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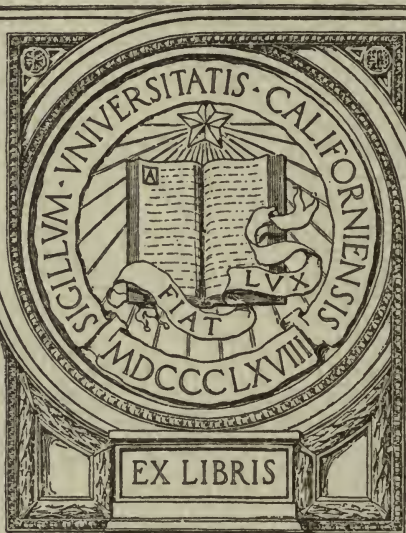


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GIFT OF

*Santa Cruz - Bd of Free -
holders*



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Santa Cruz Charter

GIFT

NOV 5 1914

Assembly Concurrent Resolution

No. 15.

INTRODUCED BY MR. MAHER,

FEBRUARY 8, 1911.

REFERRED TO COMMITTEE ON MUNICIPAL CORPORATIONS.

ASSEMBLY CONCURRENT RESOLUTION No. 15,

APPROVING CHARTER OF THE CITY OF SANTA CRUZ, COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA, VOTED FOR AND RATIFIED BY THE QUALIFIED VOTERS OF SAID CITY AT A SPECIAL MUNICIPAL ELECTION HELD THEREIN FOR THAT PURPOSE ON THE 31ST DAY OF JANUARY, 1911.

WHEREAS, The city of Santa Cruz, a municipal corporation
2 of the county of Santa Cruz, State of California, now, is and
3 was at all times herein mentioned a city containing a popula-
4 tion of more than three thousand, five hundred (3,500) inhab-
5 itants; and

6 WHEREAS, At a special municipal election duly held in said
7 city on the 3rd day of November 1910, under and in accord-
8 ance with law and provision of section 8 of article XI of the
9 constitution of the State of California, a board of fifteen
10 freeholders duly qualified was elected by the qualified electors
11 of said city at the special municipal election duly called for
12 that purpose, to prepare and propose a charter for the govern-
13 ment of said city; and

14 WHEREAS, Said board of freeholders did, in accordance with
15 law and within ninety days after their said election, prepare
16 and propose a charter for the government of said city of Santa

17 Cruz, which charter was signed in duplicate by a majority of
18 the members of said board of freeholders on the 17th day of
19 December, 1910, and thereupon duly returned and filed, one
20 copy thereof with the mayor of the city of Santa Cruz, and
21 another copy thereof with the county recorder of said Santa
22 Cruz county in the office of said county recorder; and

23 WHEREAS, Said proposed charter was thereafter duly pub-
24 lished in the Santa Cruz Surf and in the Santa Cruz Morning
25 Sentinel, each being a daily newspaper of general circulation
26 printed and published in said city of Santa Cruz, and said
27 publication as aforesaid continued for a period of more than
28 twenty days, the first publication thereof being made within
29 twenty days after the completion of said proposed charter;
30 and

31 WHEREAS, Said proposed charter was within thirty days
32 after the completion of said publication submitted to the
33 qualified electors of said city of Santa Cruz at a special
34 municipal election previously duly called and held therein on
35 the 31st day of January 1911; and

36 WHEREAS, At said last mentioned special municipal election
37 a majority of said qualified electors of said city of Santa Cruz
38 voting at said special municipal election voted in favor of the
39 ratification of said charter as proposed as a whole, ratifying
40 the same; and a majority of such qualified electors voting at
41 said special election voted against the ratification of the
42 alternative proposition which was likewise submitted at said
43 special election; and

44 WHEREAS, The council of the city of Santa Cruz duly can-
45 vassed the returns of said special election and found and
46 declared that the majority of said qualified electors voting at
47 said special election had voted in favor of ratifying said
48 charter, and ratified the same, and that the majority of said
49 qualified electors had voted against the ratification of said
50 proposed alternative proposition; and

51 WHEREAS, Said charter is now submitted to the legislature
52 of the State of California for its approval and ratification as
53 a whole without power to alter or amend, in accordance with

54 section 8 of article XI of the constitution of the State of Cal-
55 ifornia; and

56 WHEREAS, Said charter as so ratified was and is in words
57 and figures as follows, to wit:

CHARTER OF CITY OF SANTA CRUZ.

PREPARED AND PROPOSED BY BOARD OF FREEHOLDERS
ELECTED NOVEMBER 3, 1910, PURSUANT TO PROVISIONS
OF ARTICLE XI, SECTION 8, OF THE CONSTITUTION OF
STATE OF CALIFORNIA.

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ARTICLE I.

NAME AND BOUNDARIES.

SECTION 1. *Name.* The municipal corporation now exist-
2 ing, known as the City of Santa Cruz, shall continue in name

3 and in fact to be a body politic and corporate, with exterior
4 boundaries fixed as follows:

SEC. 2. *Boundaries.* Beginning on the bay of Monterey
2 at a point on said bay 410 feet west of the section line between
3 sections nineteen and twenty, township eleven south, range
4 one west, M. D. M.; thence northerly along the middle of
5 Woods lagoon and the creek in Arana gulch to the boundary
6 of de Laveaga park; thence north 88 degrees east, 140 feet
7 to a station; thence south $50\frac{3}{4}$ degrees east, 79.20 feet to a
8 station on the west side of the county road; thence north $17\frac{1}{2}$
9 degrees east, 14.50 feet to a station; thence north 2 degrees
10 west, 91 feet along the west side of said county road to a
11 station; thence south $89\frac{3}{4}$ degrees west, 396 feet to a station;
12 thence north 32 degrees west, 130 feet to a station; thence
13 north 34 degrees west, 150 feet to a station; thence north 36
14 degrees 45 minutes west, 50 feet to a station; thence north
15 52 degrees west, 150 feet to a station; thence north 62 degrees
16 west, 120 feet to a station; thence north 60 degrees 30 minutes
17 west, 260 feet to a station; thence north 1 degree 15 minutes
18 east, 185 feet to a station; thence north 30 degrees 15 minutes
19 east, 60 feet to a station; thence north 4 degrees east, 50
20 feet to a station; thence north 36 degrees 30 minutes west, 130
21 feet to a station; thence north 16 degrees 15 minutes west, 280
22 feet to a station; thence north 2 degrees 45 minutes west, 164
22a feet to a station; thence north 20 degrees 15 minutes west, 283
23 feet to a station; thence north 9 degrees west, 163 feet to a
24 station; thence north 6 degrees 45 minutes west, 180 feet to a
25 station; thence north 4 degrees 45 minutes west, 160 feet to a
26 station; thence north 22 degrees east, 130 feet to a station;
27 thence north 7 degrees 38 minutes west, 286 feet to a station;
28 thence north 37 degrees west, 113 feet to a station; thence
29 north 130 feet to a station; thence north 46 degrees east, 80
30 feet to a station; thence north 6 degrees 30 minutes west,
31 159 feet to a station; thence north 2 degrees 30 minutes east,
32 70 feet to a station; thence north 33 degrees 15 minutes west,
33 86 feet to a station; thence north 30 minutes west, 831 feet to
34 the northeast corner of de Laveaga park; thence along the

35 northerly boundary of said de Laveaga park, south 89
 36 33 minutes west, 1112 feet to a station; thence north 5
 37 35 minutes east, 170 feet to a station; thence north 29
 38 east, 145 feet to a station; thence north 29 degrees 45
 39 east, 759 feet to a station; thence north 25 degrees 45
 40 east, 217.80 feet to a station on the westerly side of a
 40a way; thence along the westerly side of the said
 41 way, north 1 degree east, 105 feet to a station; thence
 42 57 degrees 30 minutes west, 142 feet to a station;
 43 south 89 degrees 20 minutes west, 690.40 feet to a
 44 thence south 623 feet to a station; thence north 57 de
 45 minutes west, 278.50 feet to a station; thence south
 46 feet to a station; thence west 1026.30 feet to a station
 47 north 47 degrees 15 minutes west, 130 feet to a station
 48 along the easterly, northerly, and westerly boundary
 49 Lavaga park, 80½ feet to the northwesterly corner of
 50 de Lavaga park on the easterly side of the Blackbur
 51 road; thence southwesterly along the easterly side of sa
 52 to a point on the produced southerly boundary line
 53 Rancho Carbonero; thence west along the said p
 54 southerly boundary line of the Rancho Carbonero,
 55 southeasterly corner of the said Rancho Carbonero,
 56 westerly along the boundary of the Rancho Carbon
 57 the Rancho Canada del Rincon to the east boundary
 58 Rancho Refugio; thence along the boundary of the
 59 Refugio south to the Pacific ocean; thence due south
 60 said Pacific ocean a distance of three marine miles
 61 easterly and following the courses of the indentation
 62 said Pacific ocean and of the bay of Monterey, to a p
 63 south of and three marine miles from a point on the sa
 64 Monterey 410 feet west of the section line between
 65 nineteen and twenty, township eleven south, range o
 66 M. D. M.; thence due north to the point of beginning.

ARTICLE II.

POWERS OF THE CITY AND COUNCIL.

SEC. 3. *Rights and succession.* The city of San
 2 shall have perpetual succession and shall continue vest

3 and in control of all property of every kind now belonging
4 to it, with power:

SEC. 4. *Corporate seal.* To have and use a corporate seal;
2 and, when expedient, to alter the device thereon.

SEC. 5. *Actions and proceedings.* To commence, conduct,
2 prosecute, and defend all actions or proceedings for the pro-
3 tection of municipal rights and property.

SEC. 6. *Acquirement and disposal of property.* To acquire,
2 receive, take, have, hold, lease, use, improve, control, and dis-
3 pose of property of every kind, whether situate within or
4 without the corporate boundaries, for the common benefit of
5 the inhabitants.

SEC. 7. *Gifts and donations.* To receive bequests, gifts,
2 and donations of lands, in fee simple, in trust, or otherwise,
3 and of all other kinds of property, for charitable or other
4 use, and to manage, sell, lease, or otherwise dispose of the
5 same, absolutely or in accordance with the terms of such
6 bequest, gift, donation, or trust, and to do whatever may be
7 necessary to fulfill the purpose thereof.

SEC. 8. *Buildings.* To acquire, erect, improve, equip, fur-
2 nish, and maintain, with necessary adjuncts and appendages,
3 all buildings, structures, and places required for public busi-
4 ness, education, and recreation, and to regulate the use of
5 the same.

SEC. 9. *Parks and water works.* To acquire, improve,
2 and maintain parks and public playgrounds; and to acquire,
3 construct, maintain, and operate waterworks, with requisite
4 reservoirs, pipe lines, flumes, aqueducts, hydrants, meters, and
5 contrivances for supplying the city and its inhabitants with
6 water, and to extend the service to rate payers outside of the
7 corporate limits.

SEC. 10. *Public utility systems.* To acquire, lease, con-
2 struct, operate, and maintain all manner of works and sys-
3 tems for the purpose of supplying the city and its inhabitants
4 with light, gas, heat, transportation, wire, or other service,

5 and to lease to persons, firms, or corporations, for the purpose
6 of maintenance, operation, or use, any public utility owned
7 or controlled by the city, provided that such lease shall be
8 made only by ordinance to the highest bidder therefor and
9 for a period not to exceed five years.

SEC. 11. *Wire and wireless service.* To acquire, have,
2 hold, construct, and maintain, and to grant the right to con-
3 struct and maintain, and to regulate the construction and
4 maintenance of all pipes, tubes, conduits, wires, and electric,
5 telephone, telegraph, wireless, and aerial apparatus or sta-
6 tions; to require all telegraph, telephone, and electric wires
7 to be placed underground, and to regulate the mode of wiring
8 houses, buildings, and structures for telegraph, telephone,
9 electric light, electric power, and all other electric service.

SEC. 12. *Eminent domain.* To exercise the right of emi-
2 nent domain for the purpose of acquiring real and personal
3 property of every kind, including water, water-rights, and
4 water-works, within or without the corporate limits, gas, elec-
5 tric light, power, and telephone plants, and all other property
6 necessary or desirable for the use of the city or its inhabitants,
7 or which may now or hereafter be subject to condemnation by
8 the laws of this state; and to control, protect, improve, use,
9 and regulate the use of the waterfront and waterways of and
10 within the city, in any way deemed practicable, for the benefit
11 of the inhabitants and for the accommodation of commerce.

SEC. 13. *Sewers and garbage.* To construct and main-
2 tain sewers, drains, and all other works necessary to carry
3 away sewage and storm water, and to construct and maintain
4 incinerators and other works for the disposition or destruction
5 of garbage.

SEC. 14. *Work on streets.* To establish and change the
2 grade and to lay out, open, extend, widen, narrow, change
3 vacate, pave, repave, gravel, surface, resurface, improve, and
4 keep in order streets, alleys, highways, sidewalks, and cross-
5 ings and public squares, parks, and places.

SEC. 15. *Obstructions and weeds.* To require the curbs
2 and sidewalks of all streets to be kept clean, clear of weeds,
3 projections, and obstructions, and upon the failure, neglect,
4 or refusal of the owner or occupant of any premises so to do,
5 to have the same done and the expense thereof charged against
6 and become a lien upon the property fronting upon such
7 curb or sidewalk.

SEC. 16. *Levy and collect taxes.* To levy and collect taxes
2 upon all property subject to taxation, for municipal purposes;
3 *provided*, that the tax levied for any one year for all municipi-
4 pal purposes other than for the payment of the principal
5 and interest on any bonds of the city or for school and library
6 purposes, shall not exceed one dollar on each one hundred
7 dollars of the assessed valuation of taxable property in the
8 city, except as hereinafter provided. And to levy and collect
9 assessments upon property to pay for grading, regrading,
10 laying out, opening, widening, narrowing, extending, and im-
11 proving streets, alleys, sidewalks, crossings, and other high-
12 ways, public squares, parks, and places, the construction of
13 sewers, the laying of water, gas, and other pipes and conduits.

SEC. 17. *Creation of indebtedness.* To create, subject to
2 the restrictions and limitations of the constitution and gen-
3 eral laws of the State of California and of this charter, indebt-
4 edness not to exceed in all fifteen per cent of the assessed valua-
5 tion of all the real and personal property in the city, to pay the
6 costs of municipal improvements, the acquisition of public
7 utilities, or for any lawful purpose whatever, requiring an
8 expenditure greater than the amount which can be appro-
9 priated for such purpose out of the annual tax levy; *pro-*
10 *vided, however*, that no indebtedness shall be incurred by con-
11 tract, bonds, or otherwise that shall require a tax levy in any
12 one year (in excess of the limit fixed by this charter for gen-
13 eral municipal purposes) of more than fifty cents on each one
14 hundred dollars of the assessed valuation of the taxable prop-
15 erty of the city at the time said indebtedness is incurred, to
16 meet the payments of the principal of such indebtedness.

SEC. 18. *Tax levy exceeding limit.* To levy taxes exceeding the limit fixed by this charter, provided the proposition to make such levy shall have been authorized by two thirds of the qualified electors voting thereon at a general or special election.

SEC. 19. *Licensing business.* To impose licenses, as a police regulation or for revenue, on any and every kind of business conducted or to be carried on in the city; to fix the sum to be collected for any license so imposed, and to provide the manner to enforce payment thereof; to regulate, restrain, suppress, abate, or prohibit hawking and peddling and the carrying on or maintenance of any laundry, livery or sale stable, cattle or horse corral, or place where cattle, horses, swine, bees, poultry, geese, or pigeons are kept, planing mill, rolling mill, oil well, tank, refinery, foundry, soap works, glue factory, tannery, distillery, brewery, brick yard, slaughter house, butcher shop, cement works, quarry, lime kiln, bawdy house, billiard hall, pool room, bill board, penny arcade, moving picture show, nickelodeum, wireless telegraph station, prize fight, rat pit, and all public exhibitions, shows, games, or amusements, within the limits of the city or any designated portion thereof; to prohibit and prevent gambling of every form, name, and description, games of chance, fraudulent devices and practices, all playing of cards, dice, mechanical devices, slot machines, raffles, lotteries, or any other games, devices, or contrivances for the purpose of gambling, obtaining, or distributing goods, wares, merchandise, property, or money by chance or lot, and to authorize the confiscation and destruction of all instruments, machines, implements, and things used in connection with gambling or games of chance; to regulate or prohibit all saloons, bars, bar rooms, or other places where spirituous, malt, vinous, or other alcoholic or intoxicating liquors are sold, dispensed, or given away; to restrain or prohibit all noises from blasting, explosion of powder or fireworks, ringing of bells, beating of drums, blowing of whistles, or operation of machinery; to suppress, abate, and prohibit every act, occupation, business, place, or thing,

33 obnoxious, offensive, immoral, or disreputable, or that is dan-
34 gerous to life, injurious to health, or subversive of the peace
35 and good order of the city.

SEC. 20. *Police and fire departments.* To organize and
2 maintain police and fire departments.

SEC. 21. *Police and sanitary regulations.* To make, adopt,
2 and enforce all necessary rules and regulations for the pre-
3 vention of fires, floods, and riots; to provide for and regulate
4 the inspection of food, products, and all things intended for
5 human consumption; to provide for the taking and summary
6 destruction of any food or products that are unsound, spoiled,
7 adulterated, or unwholesome, and to prevent the same being
8 brought into, made, kept, or sold in the city; to provide for
9 and regulate the inspection of all dairies that offer for sale
10 or sell any of their products in the city; and to provide for
11 the inspection and sealing of weights and measures used in
12 the city, and to enforce the keeping and use by dealers of
13 proper weights and measures, duly tested and sealed.

SEC. 22. *Fire limits.* To establish fire limits, determine
2 the character and height of structures therein, and the nature
3 of the materials and appliances to be used in the construction,
4 alteration, or repair thereof, or in the alteration or repair of
5 existing structures.

SEC. 23. *Fire escapes.* To require the owners of struc-
2 tures to provide fire escapes and appliances for prevention
3 and extinguishment of fires.

SEC. 24. *Entrances and exits of structures.* To regulate
2 the size and arrangement of entrances to, and exits from all
3 structures wherein persons assemble for amusement, enter-
4 tainment, or instruction, and to prohibit obstruction of the
5 aisles thereof.

SEC. 25. *Construction and safety of buildings.* To regu-
2 late the construction and ventilation of, and the materials
3 used in all buildings, chimneys, stacks, and other structures;
4 to prevent the erection or maintenance of insecure and unsafe

5 buildings, walls, chimneys, stacks, or other structures, and
6 to provide for their summary abatement or destruction; to
7 prescribe the depth of cellars and basements, the materials
8 used in, and the method of construction of foundations and
9 foundation walls, the manner of construction and location of
10 drains and sewers, the construction of bathrooms and toilet
11 conveniences, the manner of construction and the materials
12 used in wiring structures for the use of electricity for light-
13 ing, heat, power, or other purposes, and to prohibit the erec-
14 tion of all structures that do not conform to such regulations.

SEC. 26. *Management of municipal property.* To exercise,
2 within constitutional and statutory limitations, all municipal
3 and police powers necessary to the complete and efficient
4 management and control of all municipal property, and for
5 the efficient administration of the municipal government,
6 although such powers may not be herein expressly enumerated.

SEC. 27. *Explosives.* To regulate or prohibit the manu-
2 facture, keeping, storage, and use of powder, dynamite, gun-
3 cotton, nitroglycerine, fireworks, and all other explosive sub-
4 stances.

SEC. 28. *Inflammable substances.* To regulate the keep-
2 ing and storage of oil, hay, straw, and all other inflammable
3 substances within the city.

SEC. 29. *Engines and boilers.* To regulate the use of all
2 engines and steam boilers within the city.

SEC. 30. *Public vehicles.* To establish stands for and regu-
2 late the charges of hacks, public carriages, automobiles, express
3 wagons, and other public vehicles, kept or operated for hire, to
4 require the rate regulations to be plainly displayed on such
5 vehicles, and to provide penalties for collecting charges in
6 excess thereof.

SEC. 31. *Nuisances.* To define, prevent, remove, and
2 abate nuisances, and to provide that any expense incurred
3 therein be charged against the party or parties creating,
4 causing, committing, suffering, or maintaining the same.

SEC. 32. *Public nuisance.* To declare any business a public nuisance that is conducted contrary to an ordinance of the city or of the general laws of the state; to provide for the abatement or removal thereof, and for this purpose to summarily take and hold any personal property used or involved therein.

SEC. 33. *Violation of ordinances.* To make the violation of ordinances of the city a misdemeanor and to prescribe the punishment therefor, which shall be by fine or imprisonment, or both; provided, however, that no fine shall exceed the sum of five hundred dollars nor imprisonment be imposed to exceed six months. Such misdemeanors may be prosecuted by the authorities of the city in the name of the people of the State of California by criminal complaint, or redressed by civil action.

SEC. 34. *Animals running at large.* To establish pounds and pound districts, and to provide for the supervision and control thereof, and to prohibit the running at large of all animals in violation of the regulations enacted in relation thereto.

SEC. 35. *Cruelty to animals.* To prohibit and punish cruelty to animals, and to require places where they are kept to be maintained in a sanitary condition.

SEC. 36. *Speed regulation.* To regulate the speed of railroad trains, engines, electric cars, automobiles, and all other vehicles within the city; to require railroad companies either to keep flagmen or gates, or to construct viaducts at all streets and crossings.

SEC. 37. *Franchises.* To grant franchises.

SEC. 38. *Creation of offices.* To create offices other than those established by this charter or by the general law, whenever the public business may require; to prescribe the duties pertaining to the offices so created; and to provide for appointments to and removals from such offices, and fix the compensation of the incumbents thereof.

SEC. 39. *Municipal elections, precincts, and officers.* To
2 provide for holding municipal elections, give notice thereof,
3 establish and alter election precincts, and to appoint and fix
4 the compensation of all election officers.

SEC. 40. *General power.* To do and perform whatsoever
2 is necessary and convenient in municipal administration for
3 the benefit of the inhabitants of the city, and to do any act
4 which is by this charter, or by any general law now or here-
5 after in force, authorized to be done; *provided*, that the ques-
6 tion of acquiring by lease, purchase, or construction any plant
7 or property for the purpose of supplying any public service or
8 commodity, not previously supplied to its inhabitants by the
9 city, shall be submitted to the voters of the city in the same
10 manner as other propositions, at a general or special election,
11 and such property or plant shall not be acquired unless a
12 majority of the electors voting at such election, vote in favor
13 thereof. It is, however, expressly provided that nothing
14 herein contained shall be construed as requiring a vote of the
15 electors on a proposition to acquire any property or expend
16 any money, for the purpose of extending, or developing such
17 property or any property or plant now owned or operated by
18 the city, or which it may, in accordance with the provisions
19 of this charter, acquire in the future.

SEC. 41. *Ordinances, resolutions, and orders.* To adopt
2 and enforce ordinances, resolutions, and orders not repug-
3 nant to the provisions of this charter, the constitution of the
4 United States, or the State of California, or general laws; and
5 to establish all such measures and regulations, in the absence
6 of express provisions therefor in this charter, as the council
7 may deem expedient or necessary for the promotion of the
8 peace, health, comfort, safety, life, happiness, and welfare of
9 the inhabitants of the city, the protection of property, the
10 preservation of order, and the suppression of vice.

ARTICLE III.

ELECTIONS.

SEC. 42. *General and special municipal elections.* A mu-
2 nicipal election shall be held in the city on the first Tuesday

3 after the first Monday in May in the year 1911, and on the
4 first Tuesday after the first Monday in May in every second
5 year thereafter, and shall be known as the general municipal
6 election. A second election shall be held, when necessary, as
7 hereinafter provided in this charter, on the second Tuesday
8 after said general municipal election, and shall be known as the
9 second general municipal election.

10 All other municipal elections that may be held by or under
11 the authority of this charter or of the general law shall be
12 known as special municipal elections.

SEC. 43. *Nomination and election of all elective officers.*

2 The mode of nomination and election of all elective officers of
3 the city to be voted for at a municipal election, shall be as
4 follows and not otherwise.

SEC. 44. *Condition of candidacy.* The candidate, not
2 later than the presentation to the city clerk of his petition of
3 nomination, as in this article set forth, and not earlier than
4 thirty days before such presentation, shall file with the city
5 clerk a declaration of his candidacy, in the following form:

DECLARATION OF CANDIDATE.

7 I, ..., residing at No., ... Street,
8 Santa Cruz, California, being duly sworn, hereby declare
9 myself a candidate for the office of to be voted
10 for at the municipal election, to be held in the
11 City of Santa Cruz, on the day of, 19...
12 (Signed)

13 STATE OF CALIFORNIA, }
14 COUNTY OF SANTA CRUZ, } ss.
15 CITY OF SANTA CRUZ. }

16 Subscribed and sworn to before me this day of
17, 19....

18
City Clerk (or Notary Public).

SEC. 45. *Name printed on ballot.* The name of a candi-
2 date shall be printed upon the ballot when a petition of nom-
3 ination shall have been filed in his behalf in the manner and

4 form and under the conditions hereinafter set forth, such
5 candidate not having withdrawn under the provisions of this
6 article.

SEC. 46. *Form of nomination petition.* The petition of
2 nomination shall consist of not less than twenty-five individual
3 certificates, which shall read substantially as follows:

4 PETITION OF NOMINATION.

5 Individual Certificate.

6 STATE OF CALIFORNIA,
7 COUNTY OF SANTA CRUZ, } ss.
8 CITY OF SANTA CRUZ. }

9 I, the undersigned, certify that I do hereby join in a petition
10 for the nomination of, whose residence is at No.
11, ... street, Santa Cruz, California, for the office of
12 to be voted for at the municipal
13 election to be held in the said city of Santa Cruz, on the
14 day of, 19...; and I further certify that I am
15 a qualified elector of the said city, that I have not signed more
16 petitions for the above named office than there are places to
17 be filled, that my residence is at No. ..., ...street,
18 Santa Cruz, California, and that my occupation is
19 (Signed)

20 STATE OF CALIFORNIA,
21 COUNTY OF SANTA CRUZ, } ss.
22 CITY OF SANTA CRUZ. }

23, being duly sworn, deposes and says: That he
24 is the person who signed the foregoing certificate and that the
25 statements therein contained are true and correct.

26 (Signed)

27 Subscribed and sworn to, this day of,
28 19..., before me, ...

29 Notary Public (or Verification Deputy).

30 The petition of which this certificate forms a part shall, if
31 found insufficient, be returned to at No.,
32 street, Santa Cruz, California.

SEC. 47. *Forms to be supplied by city clerk.* It shall be
2 the duty of the city clerk to furnish, upon application therefor,
3 a reasonable number of individual certificates of the above
4 character.

SEC. 48. *Requirements of certificates.* Each certificate
2 must be a separate paper. All certificates must be of a uni-
3 form size, determined by the city clerk. Each certificate must
4 contain the name of one signer only, and of but one candidate.
5 Each signer of a certificate must be a qualified elector of the
6 city, and must not at the time of signing said certificate have
7 his name signed to more certificates for candidates for that
8 office than there are places to be filled for such office. If an
9 elector signs more certificates than there are places to be filled
10 for such office, all such certificates shall be rejected. Each
11 signer must verify his certificate before a notary public or
12 verification deputy. Each certificate shall contain the name
13 and address of a person to whom the petition is to be returned
14 if found insufficient.

SEC. 49. *Arrangement of certificates.* Individual certifi-
2 cates constituting a nominating petition shall, before presenta-
3 tion to the city clerk, be arranged alphabetically for each
4 municipal election precinct and numbered beginning with the
5 number 1, and shall be bound into a book by fastening the
6 same together with a staple, wire, thread, or other suitable
7 material.

SEC. 50. *Verification deputies.* Verification deputies must
2 be qualified electors of the city, appointed by the city clerk
3 upon application in writing, signed by not less than five quali-
4 fied electors of the city. The application shall state that the
5 signers thereto desire to procure the signatures of electors
6 for the nomination of candidates for municipal office, or for
7 the recall of an incumbent of an elective office, at an election
8 therein specified, and that the applicants desire the person
9 or persons whose names and residences are given, appointed
10 verification deputies. The order of appointment shall
11 authorize such persons to administer the verification oath to

12 signers of nominating or recall petition. Such deputies
13 shall use no seal, and have no authority to administer any
14 other oath. Such appointments shall terminate when all of
15 said petitions of nomination or recall have been filed by the
16 city clerk. No verification deputy shall be paid directly or
17 indirectly out of the city treasury.

SEC. 51. *Date of presenting petition.* A petition of nomi-
2 nation for any one candidate shall consist of not less than
3 twenty-five individual certificates and shall be presented to
4 the city clerk not earlier than thirty-five, nor later than
5 twenty-five days before the election, who shall endorse thereon
6 the date upon which the petition was presented to and filed
7 by him.

SEC. 52. *Examination of petition by city clerk.* When a
2 petition of nomination is presented for filing, the city clerk
3 shall forthwith examine the same and ascertain whether it
4 conforms to the provisions of this article. If found not to
5 conform thereto, he shall then and there note in writing on
6 said petition the deficiency therein and return the petition to
7 the person who presented the same. The petition may then
8 be amended, and again presented for filing as in the first
9 instance. The city clerk shall forthwith examine the
10 amended petition as hereinbefore provided.

SEC. 53. *Withdrawal of candidate.* Any person whose
2 name has been presented as a candidate for municipal office
3 may, not later than twenty-five days before the day of elec-
4 tion, cause his name to be withdrawn from nomination by
5 filing with the city clerk a request therefor in writing, and
6 the name so withdrawn shall not be upon the ballot. If upon
7 such withdrawal the number of candidates remaining does
8 not exceed the number to be elected, then other nominations
9 may be made by filing petitions therefor not later than twenty
10 days prior to such election.

SEC. 54. *Filing petitions.* If either the original or the
2 amended petition of nomination be found sufficiently signed

3 and in proper form as hereinbefore provided, the city clerk
4 shall, within not less than twenty days before the date of the
5 election, file the same. When a petition of nomination shall
6 have been filed by the city clerk, it shall not be altered, added
7 to, or amended.

SEC. 55. *Preservation of petitions.* The city clerk shall
2 preserve in his office for a period of two years all petitions of
3 nomination and all certificates belonging thereto filed under
4 the provisions of this article.

SEC. 56. *Election proclamation.* Immediately after all
2 petitions are filed, the city clerk shall enter the names of the
3 candidates in a list, together with the offices to be filled, and
4 not later than twenty days before the election certify such list
5 as being the list of candidates nominated as required by the
6 charter of the city of Santa Cruz, and the council shall cause
7 said certified list, together with the offices to be filled, desig-
8 nating whether for full or unexpired terms, to be published
9 in a proclamation calling the said election, for ten successive
10 days before the election, in not more than one daily news-
11 paper of general circulation published in the city of Santa
12 Cruz. Said election proclamation shall conform to the gen-
13 eral law of the state applicable thereto, except as otherwise
14 provided in this charter.

SEC. 57. *Form of ballots.* The city clerk shall cause bal-
2 lots to be printed, bound, and numbered, as provided for by
3 state law, except as otherwise required in this charter. The
4 ballots shall contain a list of the respective offices and the
5 names of all candidates, as published in the election proclama-
6 tion, and shall be in substantially the following form:

7 GENERAL (OR SPECIAL) MUNICIPAL ELECTION, CITY OF SANTA
8 CRUZ.

9 (Insert date thereof.)

10 *Instructions to voters:* To vote, stamp a cross (X) in the
11 square opposite the name of the candidate or candidates for
12 whom you desire to vote. All marks otherwise made are for-
13 bidden. All distinguishing marks are forbidden and make the

14 ballot void. If you wrongly mark, tear, or deface a ballot,
15 return it to the inspector of the election, and obtain another.

SEC. 58. *Requirements of ballot.* All ballots shall be
2 printed on the same size, quality, and tint of paper, in like
3 type, and color of ink, so that without the number it would be
4 impossible to distinguish one ballot from another. The names
5 of all candidates printed upon the ballot shall be in type of
6 the same size and style, and shall be arranged in alphabetical
7 order, for each office. Nothing on the ballot shall indicate
8 the source of support of any candidacy. A column shall be
9 provided on the right of the ballot for charter amendments
10 or other questions to be voted upon.

SEC. 59. *Names on ballot.* The name of every candidate
2 nominated, and who has not withdrawn his name, shall be
3 printed upon the ballot.

SEC. 60. *Arrangement of ballot.* The offices to be filled
2 shall be arranged in separate columns in the following order:
3 For mayor vote for one.
4 For commissioner vote for (giving number).
5 For auditing committee vote for (giving num-
6 ber).
7 For member of board of education vote for
8 (giving number).

SEC. 61. *Space for cross.* A half-inch square shall be
2 provided at the right of the name of each candidate on the
3 ballot, within which to stamp a cross.

SEC. 62. *Blanks for additional names.* Half-inch spaces
2 shall be left below the printed names of candidates for each
3 office, equal to the number to be voted for for that office,
4 wherein the voter may write the name of any person or per-
5 sons for whom he may desire to vote.

SEC. 63. *Sample ballots.* The city clerk shall cause to be
2 printed sample ballots, identical in form (but not in color of
3 paper), with the ballot to be used at the election, and shall
4 furnish copies of the same to registered voters of the city upon

5 application therefor at least five days before the date of the
6 election, and shall mail such sample ballot to each registered
7 voter at least three days before such election.

SEC. 64. *Vote necessary for election.* When there is but
2 one person to be elected, the candidate receiving a majority
3 of the votes cast for the office shall be declared elected; when
4 two or more persons are to be elected, then those candidates
5 equal to the number to be elected, who receive the highest
6 number of votes, shall be declared elected; *provided*, that no
7 person shall be declared elected to any office at the first elec-
8 tion, unless the number of votes received by him shall be
9 greater than one-half the number of ballots cast for all the
10 candidates for that office.

SEC. 65. *Second election.* If at any election held as above
2 provided there be any office or offices to which the required
3 number of persons was not elected, then as to such office or
4 offices the said first election shall be considered to have been
5 a primary election for the nomination of candidates, and a
6 second election shall be held to fill such office or offices. The
7 candidates not elected at such first election, equal in number
8 to twice the number to be elected to any office, or less if so
9 there be, who receive the highest number of votes for the
10 respective offices at the first election, shall be the only candi-
11 dates at such second election; *provided*, that if there be any
12 person who, under the provisions of this section, would have
13 been entitled to become a candidate for any office except for
14 the fact that some other candidate received an equal number
15 of votes therefor, then the council shall determine and select
16 by lot which of said candidates shall become a candidate at
17 said second election, and the candidates so selected by the coun-
18 cil shall be the only one of said candidates receiving an equal
19 number of votes at said primary election who shall become
20 a candidate at such second election.

SEC. 66. *Date of second election.* When necessary, a
2 second election shall be held on the second Tuesday after the
3 first election.

SEC. 67. *Rules governing the second election.* All provisions above specified, so far as applicable, shall govern the second election, except that notice of said second election need be published but twice, and provided also that the same precincts and polling places shall, if practicable, be used.

SEC. 68. *Failure of person elected to qualify.* Every person elected shall qualify within ten days after his election, or within ten days after notice thereof, and on failure to so qualify, the office shall be filled in the manner provided for filling vacancies.

Upon the declaration of the result of the election, the clerk shall deliver to the person elected, or send him by registered mail to his last known address, a written notice of his election.

SEC. 69. *Informalities in election.* No informalities in conducting municipal elections shall invalidate the same.

SEC. 70. *General election regulations.* The provisions of the general law of the state relating to the qualifications of electors and elections shall govern all municipal elections, unless otherwise provided for in this charter. The council shall canvass the election returns within four days after every election, and declare the result thereof.

SEC. 71. *Voting machines.* The council may provide for the use of voting machines.

SEC. 72. *Election precincts, officers, and compensation.* The council shall subdivide the city into election precincts for election purposes, and may change and alter such precincts as often as occasion may require. Such precincts shall be sufficient to limit the number of votes polled in any one election precinct to approximately four hundred. In establishing such precincts, the council may consolidate those which existed at the last preceding general state election, to a number not exceeding three for each municipal or consolidated precinct, and shall number such precincts so established consecutively, and each precinct so established shall, for the purpose of municipal elections, be known by the number so designated.

13 The board of election in each municipal election precinct at all
14 municipal elections shall be composed of five qualified electors
15 of the city, appointed by the council. The compensation of
16 members of the election board shall not exceed four dollars for
17 services at any municipal election.

ARTICLE IV.

ELECTIVE OFFICERS.

SEC. 73. *Elective officers.* The elective officers of the city
2 shall be a mayor and four commissioners, who shall constitute
3 the council; an auditing committee of three members; and a
4 board of education of five members.

5 The mayor and each commissioner shall have the right to
6 vote on all questions before the council. Each member of the
7 board of education shall have the right to vote on all questions
8 before said board.

SEC. 74. *Elected at large.* All elective officers shall be
2 elected at the general municipal election, on a general ticket,
3 from the city at large.

SEC. 75. *Mayor's term of office.* The mayor shall hold
2 office for the term of two years from the first Monday in July,
3 after his election, and until his successor is elected, or
4 appointed, and qualified.

SEC. 76. *Commissioners' term of office.* The commissioners
2 shall hold office for the term of four years from the first Mon-
3 day in July, after their election, and until their successors are
4 elected, or appointed, and qualified; *provided*, that the com-
5 missioners first elected under this charter shall, at their first
6 meeting, so classify themselves by lot, that two of them shall
7 hold office for two years and two of them for four years. At
8 each general election held under this charter, there shall be
9 elected at least two commissioners.

SEC. 77. *Auditing committee's term of office.* The mem-
2 bers of the auditing committee shall hold office for the term
3 of two years from the first Monday in July, after their elec-

4 tion, and until their successors are elected, or appointed, and
5 qualified.

SEC. 78. *Members of board of education.* The members
2 of the board of education shall hold office for four years from
3 the fourth Monday in May, after their election, and until their
4 successors are elected, or appointed, and qualified; *provided*,
5 that the members of the board of education first elected shall,
6 at their first meeting, so classify themselves by lot that three
7 shall serve for two years and two for four years. All mem-
8 bers of the board of education elected thereafter shall be
9 chosen at general municipal elections for the term of four
10 years.

SEC. 79. *Commencement of term of office.* The term of
2 each elective officer shall commence at twelve o'clock noon on
3 the days fixed in this charter.

SEC. 80. *Official bonds.* The city clerk and assessor, and
2 the treasurer and tax and license collector each shall, before
3 entering upon the discharge of the duties of his office, give
4 and execute to the city of Santa Cruz a bond as hereinafter
5 provided.

6 The bond of the city clerk and assessor shall be in the penal
7 sum of two thousand five hundred dollars; of the treasurer
8 and tax and license collector in the penal sum of twenty thou-
9 sand dollars.

10 Every bond shall contain the condition that the principal
11 will faithfully perform all official duties. Official bonds must
12 be signed by the principal and at least two sureties, or exe-
13 cuted by an approved surety company.

14 No bond signed by individuals shall be approved unless
15 each surety justifies before an officer authorized to administer
16 oaths, as follows:

17 That he is a resident and freeholder within the county of
18 Santa Cruz; that he is worth the amount for which he becomes
19 surety over and above all his debts and liabilities, in unin-
20 cumbered property situate within the State of California,
21 exclusive of property exempt from execution and forced sale.

22 The council may, by ordinance, increase or require a bond
23 from any officer.

24 The approval of official bonds must be endorsed thereon by
25 the officer or board approving the same. Approved bonds
26 shall be filed with the city clerk, but the bond of the city clerk
27 shall, after filing, be kept by the mayor.

28 Any official bond required may be executed by some
29 approved surety company, and the premium charged therefor
30 shall be paid by the city.

SEC. 81. *Oath of office.* Every officer of the city shall,
2 before entering upon the discharge of the duties of his office,
3 take, subscribe, and file with the city clerk, the following oath
4 of office:

5 I solemnly swear (or affirm, as the case may be), that I will
6 support the constitution of the United States, the constitution
7 of the State of California, and the charter of the city of Santa
8 Cruz, and that I will faithfully discharge the duties of the
9 office of, according to the best of my ability.

10 (Signed)

11 Subscribed and sworn to, this day of,
12 19...., before me,

13
14 City Clerk (or Notary Public).

SEC. 82. *Salaries.* The mayor shall receive an annual
2 salary of twelve hundred dollars, and each commissioner an
3 annual salary of nine hundred dollars, payable in equal
4 monthly installments.

SEC. 83. *Administration of oaths. Subpoenas.* Every
2 elective officer, every chief official, and every member of any
3 board provided for in this charter, shall in all matters per-
4 taining to the business of the city, have power to administer
5 oaths or affirmations, and the head of every department shall
6 have the power to issue subpoenas to compel the production
7 of books, papers, and documents, and to hear and take testi-
8 mony concerning any matter or thing pending before the
9 council or under the supervision of such department. If any

10 person so subpœnaed neglect or refuse to appear, or to pro-
11 duce any book, paper, or document. as required by such
12 subpœna, or refuse to testify before the council or before
13 any such board or department, or to answer any question
14 which any such officer or head of department shall decide to
15 be proper and pertinent, he shall be deemed in contempt, and
16 the council, or any such officer or board, shall have power to
17 take proceedings in that behalf provided by the general laws
18 of the state.

ARTICLE V.

QUALIFICATION OF OFFICERS. VACANCIES.

SEC. 84. *Qualification of mayor, commissioners, and audit-*
2 *ing committee.* The mayor, commissioners, and members of the
3 auditing committee, must be citizens of the United States, who
4 shall have attained the age of twenty-five years, they must be
5 electors of the city of Santa Cruz, and shall have been residents
6 of the city for three years next preceding the election.

SEC. 85. *Qualification of members of the board of educa-*
2 *tion.* The members of the board of education must be citizens
3 of the United States, who shall have attained the age of twenty-
4 five years, and shall have been residents of the city for three
5 years next preceding the election.

SEC. 86. *What constitutes a vacancy.* A vacancy shall
2 exist in any elective office when the person elected thereto fails
3 to qualify, dies, resigns, is removed from office, ceases to be a
4 resident of the city, absents himself continuously therefrom for
5 a period of more than thirty days without permission from the
6 council, is convicted of a felony or of a misdemeanor connected
7 with his duties in office, is judicially determined to be incom-
8 petent, forfeits his office under any provision of this charter,
9 or is removed from office by judicial proceeding.

SEC. 87. *Vacancy in council.* Any vacancy arising in the
2 council shall be filled by the members thereof. Such appoint-
3 ment shall require the votes of at least three members of the
4 council. In the event that three members of the council fail to
5 appoint a person to fill such vacancy within ten days after its

6 occurrence, then said vacancy shall be filled by a person selected
7 by the auditing committee.

SEC. 88. *Vacancy in board of education.* Any vacancy
2 occurring in the board of education shall be filled as provided
3 by general law of the state.

SEC. 89. *Vacancy in auditing committee.* Any vacancy
2 occurring in the auditing committee shall be filled by the com-
3 mittee. Should said committee fail to fill such vacancy within
4 ten days, the same shall be immediately filled by appointment
5 by the mayor.

SEC. 90. *Appointees to elective offices.* Appointees filling
2 vacancies in elective offices shall hold office until the next gen-
3 eral municipal election, when their successors shall be elected,
4 for the unexpired or full term as the case may be.

ARTICLE VI.

THE RECALL.

SEC. 91. *Applies to all elective officers.* Every incumbent of
2 an elective office shall be subject to removal therefrom as
3 follows:

SEC. 92. *Petition for recall.* A petition signed by qualified
2 electors equal in number to fifteen per cent of the entire vote
3 cast for all candidates for the office of mayor at the last preced-
4 ing general municipal election, at which a mayor was elected,
5 requesting the calling of an election to determine whether the
6 incumbent of an elective office shall be removed, shall be
7 addressed to the council and presented to the city clerk. The
8 petition may request that the question of such removal shall
9 be submitted at a special municipal election or at the next
10 general municipal election.

SEC. 93. *Form of petition.* The petition for recall and
2 removal from office shall be substantially in the following form:

3 (Individual Certificate)

4 PETITION TO THE COUNCIL REQUIRING A SPECIAL MUNICIPAL
5 ELECTION.

6 (If such be the case.)

7 For the recall of (name of officer).

8 From the office of (name of office).

9 Reasons for the recall of (name of officer) from the office of
10 (name of office): (here insert the reasons).

11 Reasons against the recall of (name of officer) from the office
12 of (name of office): (here insert the reasons).

13 I, the undersigned, certify that I hereby join in a petition
14 to the council requiring that it forthwith submit to the vote of
15 the electors of the city of Santa Cruz, at a special (or the next
16 general) municipal election, the question whether (name of
17 officer) shall be recalled and removed from the office of (name
18 of office).

19 I further certify that I have read the foregoing reasons for
20 and against the recall of said officer and believe that he should
21 be recalled; that I am a qualified elector of said city; that I
22 reside at No., ... street, between
23 street and street, in said city, and that my
24 occupation is

25 (Signed)

26 STATE OF CALIFORNIA,

27 COUNTY OF SANTA CRUZ, } ss.

28 CITY OF SANTA CRUZ.

29, being duly sworn, deposes and says: That he
30 is the person who signed the foregoing certificate and that the
31 statements therein contained are true and correct.

32 (Signed)

33 Subscribed and sworn to, ...,

34 19...., before me, ...

35

36 Verification Deputy (or Notary Public).

37 The petition of which this certificate forms a part shall, if
38 found deficient, be returned to at No.,
39 street, Santa Cruz, California.

SEC. 94. *Filing and examination of petition.* Each certifi-
2 cate must be separate, and contain the name of but one signer,
3 who must make oath before a notary public or verification

4 deputy as to the truth of the statements therein. Such cer-
5 tificates shall be fastened together and bound as nearly as may
6 be in lots of one hundred. Upon receipt of such petition, the
7 city clerk shall endorse thereon the time it was received. He
8 shall thereupon examine said petition to ascertain whether it
9 conforms to the requirements of this charter.

10 Within ten days after such presentation, the city clerk must
11 determine whether said petition so conforms and shall attach
12 thereto his certificate showing the result of his examination,
13 and send by registered mail a copy of said certificate to the
14 person named in said petition to whom it shall be returned. If
15 the petition does not conform to said requirements, the certif-
16 icate of the city clerk shall designate the defects in the petition
17 and in the individual certificates. If the certificate of the city
18 clerk shows the petition to be deficient, it may be amended by
19 presentation, within fifteen days after mailing said certificate
20 of the city clerk, of an amended petition containing additional
21 certificates. The city clerk shall, within seven days after the
22 presentation of such amended petition, make like investigation
23 and determination as to the amended petition, and attach to it
24 a like certificate and mail a copy as aforesaid, and, if his certif-
25 icate shall show the amended petition to be deficient, or if no
26 amended petition shall have been presented, the petition shall
26a be returned to the person named therein to whom it shall
27 be returned, without prejudice to the filing of a new petition
28 to effect the same purpose.

29 Should any certificate or certificates to the petition not sub-
30 stantially conform to the requirements of this charter, such
31 fact shall not invalidate the petition if a sufficient number of
32 the certificates substantially conform to such requirements.
33 Should the city clerk find that the said petition or amended
34 petition conforms to such requirements, he shall endorse the
35 fact thereon and file and present it to the council.

SEC. 95. *Statement of intention to circulate petition.*

2 Before any petition for recall is circulated, an affidavit in
3 triplicate by or on behalf of the person or persons proposing
4 such recall, shall be made; one to be filed with the city clerk,

one to be left by him at the office of the officer sought to be recalled, and one to be sent by him by registered mail to the residence of such officer. Said affidavit shall contain the address of the person or persons making the same, a statement of the intention to circulate a petition for the recall of said officer containing not more than two hundred words, giving the reasons for such recall. Said officer may, within five days after the mailing of such affidavit, send by registered mail to the address of the party making such affidavit, his answer thereto in not more than two hundred words. Such statement and answer, if any, shall be printed on each individual certificate. No original petition for recall of any officer shall be presented to the city clerk later than forty days after the filing of the affidavit.

SEC. 96. *Election under recall petition.* If the officer sought to be removed fails to resign within five days after the recall petition is filed, and the petition requests a special municipal election to be held, the council shall cause a special municipal election to be held within not less than thirty nor more than forty-five days after the filing of said petition to determine whether said officer shall be recalled; but if a general or special municipal election is to occur within sixty days after the filing of said petition, the council may postpone the holding of such election to such general or special election.

SEC. 97. *Life of petition.* If any question of recall, for which a petition has been filed, be not submitted to the electors of the city at or within the time specified, such petition shall remain in force until such question has been submitted.

SEC. 98. *Grounds of recall. Officer's justification.* There shall be printed on the sample and the official ballots the statement of the reasons for the recall of the officer, and his answer, if any.

SEC. 99. *Recall ballots.* The ballots at every election at which recall is to be voted upon, shall contain the following question:

Shall (name of officer) be removed from the office of (name of office) ?

6 Following the question shall be printed the words "Yes"
7 and "No", on separate lines, with a voting square at the
8 right of each, in which the voter shall stamp a cross (X)
9 for or against such recall. All requirements of this charter
10 relating to ballots at general municipal elections shall, so far
11 as applicable, apply to all ballots at every election at which
12 a question of recall is to be voted upon. The call for elections
13 under this article shall be the same as the call for general or
14 special municipal elections.

SEC. 100. *What constitutes a recall.* After a petition for
2 recall of a person from office has been filed, he may continue
3 to perform the duties of his office until the council has can-
4 vassed the returns of the election and declared that a majority
5 of the votes upon the question of his recall was cast in favor
6 thereof, and thereupon said office shall become vacant.

SEC. 101. *No recall petition for three months.* No recall
2 petition shall be filed against any officer until he has held his
3 office for three months.

SEC. 102. *Ineligibility of recalled official.* Any person
2 who shall have been recalled, or who shall have resigned while
3 recall proceedings were pending, shall not hold any municipal
4 office within four years thereafter.

ARTICLE VII.

THE LEGISLATIVE DEPARTMENT.

SEC. 103. *The governing body.* The council shall be the
2 governing body of the municipality, exercise the corporate
3 powers of the city, and be vested with all powers of legisla-
4 tion in municipal affairs not in conflict with the constitution
5 of the United States, the constitution and general law, and the
6 provisions of this charter.

SEC. 104. *President and vice-president of the council.*
2 The mayor shall be preident of the council and preside at
3 its meetings. The council shall elect one of its members vice-
4 president.

SEC. 105. *Meetings of the council.* At twelve o'clock noon.
2 on the first Monday of July after canvass of the returns of
3 each general municipal election, the council shall meet, at
4 which time the newly elected mayor, commissioners, and audit-
5 ing committee, shall assume the duties of their respective
6 offices. The council shall meet in regular session at least once
7 a week.

8 Special meetings of the council shall be held upon the call
9 of the mayor or upon written request of two commissioners,
10 filed with the city clerk; *provided*, that the said call or written
11 request shall set forth the object of the meeting. The city
12 clerk shall give reasonable notice to the mayor and to each
13 commissioner of the time of said meeting and the object
14 thereof, and no other business than that specified in the call
15 or written request shall be transacted.

SEC 106. *Meetings to be public.* All meetings of the
2 council shall be public.

SEC. 107. *Quorum.* A majority of the council shall con-
2 stitute a quorum, but no ordinance, resolution, order, or motion
3 shall be passed or adopted except by affirmative vote of three
4 members.

SEC. 108. *Rules of procedure.* The council shall act only
2 by ordinance, resolution, order, or motion, and shall adopt
3 rules of procedure.

SEC. 109. *Ayes and noes.* The council shall pass ordinances
2 and adopt resolutions by ayes and noes, entered upon its
3 minutes, and a roll-call be had upon any order or motion on
4 demand of any member. But no ordinance or resolution shall
5 be placed upon final passage the day it is introduced unless
6 by consent of all members present.

SEC. 110. *Enacting clause of ordinance.* The enacting
2 clause of every ordinance shall be: "Be it ordained by the
3 City of Santa Cruz as follows:".

SEC. 111. *Reconsideration.* When any ordinance or reso-
2 lution is put upon its final passage and fails to pass, and a

3 motion is made to reconsider, the vote thereon shall not be
4 taken for at least one week thereafter.

SEC. 112. *Protection of absent commissioner.* In the
2 absence of a commissioner, no final action shall be taken con-
3 cerning his department, except at a regular meeting, or unless
4 such matter has been made a special order at a meeting at
5 which such commissioner was present.

ARTICLE VIII.

THE EXECUTIVE DEPARTMENT.

SEC. 113. *The chief executive.* The mayor shall be the
2 chief executive officer of the city, and shall see that the charter
3 and all laws, ordinances, and resolutions enacted or passed
4 are enforced. He shall have a general oversight of depart-
5 ments of the municipal government, and shall see that all con-
6 tracts made with the city are faithfully performed. He
7 shall command the police force of the city, with the aid of
8 the commissioner of public health and safety, for the preserva-
9 tion of public peace and order and the suppression of tumults,
10 riots, or insurrections.

SEC. 114. *Mayor pro tempore.* During the temporary
2 absence or disability of the mayor, the vice-president of the
3 council shall act in his stead. In case of the temporary
4 absence or disability of both, the council shall elect one of its
5 members acting mayor. If a vacancy occur in the office of
6 mayor, the vice-president of the council shall act as mayor
7 until such vacancy is filled.

SEC. 115. *Mayor's messages.* The mayor shall, by annual
2 or special message, recommend to the council such matters and
3 policies as he deems expedient.

SEC. 116. *Supervision of public utilities.* The mayor shall
2 have general supervision of all persons, firms, corporations,
3 and concerns controlling or operating public utilities, in so
4 far as they are subject to municipal control. He shall keep
5 himself informed as to their compliance with law or ordinance,

6 and shall see that the provisions of all franchises, permits, and
7 privileges granted by the city, are faithfully observed.

8 The council shall cause to be instituted such actions or
9 proceedings as may be necessary to prosecute persons, firms,
10 corporations, or concerns owning, controlling, or operating
11 public utilities, for violations of law or ordinance, so as to
12 revoke, cancel, annul, or regulate the exercise of all franchises,
13 permits, and privileges that may have been granted, which
14 may have become forfeitable, in whole or in part, or which, for
15 any reason, are illegal, or void, or voidable, or negligently
16 exercised. The city attorney, by order of the council, must
17 institute and prosecute the necessary actions to enforce the
18 provisions of this section.

SEC. 117. *Executive and administrative departments.*

2 The mayor shall exercise such other powers and perform such
3 other duties as may be prescribed by law or municipal ordi-
4 nance.

5 The executive and administrative powers, authority, and
6 duties of the city, not otherwise provided for in this charter,
7 shall be divided into five general departments, as follows:

8 1. Department of public affairs, which shall be under the
9 supervision of the mayor.

10 2. Department of revenue and finance, which shall be
11 under the supervision of the commissioner of revenue and
12 finance.

13 3. Department of public health and safety, which shall be
14 under the supervision of the commissioner of public health
15 and safety.

16 4. Department of public works, which shall be under the
17 supervision of the commissioner of public works.

18 5. Department of streets and parks, which shall be under
19 the supervision of the commissioner of streets and parks.

SEC. 118. *Council to assign powers and duties.* The
2 council shall, within ten days after each general municipal
3 election, designate and assign one of the commissioners to be
4 commissioner of revenue and finance, one to be commissioner

5 of public health and safety, one to be commissioner of public
6 works, and one to be commissioner of streets and parks. The
7 council may change such assignments, except that of the de-
8 partment of public affairs, by ordinance, whenever it shall
9 appear to its satisfaction that the public service would be
10 improved thereby. The council shall define, by ordinance,
11 the powers and duties of all officers and employees, when
12 the same are not prescribed by this charter, and may assign to
13 departments, officers, boards, and employees, powers and duties
14 other than and in addition to those prescribed by this charter,
15 not inconsistent therewith; may detail or reassign particular
16 officers or employees for duty in more than one department
17 of the city government; may require an officer or employee
18 to perform duties in two or more departments of the city
19 government; and may make rules and regulations not in con-
20 flict with law or this charter for the efficient and economical
21 conduct of the business of the city.

22 Except as otherwise provided in this charter, the several
23 departments shall be composed, organized, and conducted,
24 and the persons employed therein shall be chosen, as the
25 council may by ordinance provide, and the council must, at
26 all times, keep in full force and effect, ordinances sufficiently
27 providing therefor.

SEC. 119. *Department of public affairs.* All matters
2 affecting the relations of the city with the United States, or
3 any of the states, the county, or other municipalities, shall be
4 referred to the department of public affairs, and this depart-
5 ment shall have supervision over all boards appointed by the
6 mayor.

SEC. 120. *Department of revenue and finance.* The de-
2 partment of revenue and finance shall have supervision over
3 all financial matters, except as elsewhere provided in this char-
4 ter, including the office of treasurer and tax and license col-
5 lector.

SEC. 121. *Department of public health and safety.* The
2 department of public health and safety shall have supervision

3 over and shall include the police, fire, electrical, and health
4 departments, the municipal employment office, and the office
5 of plumbing and building inspector.

SEC. 122. *Department of public works.* The department
2 of public works shall have supervision of the acquisition, con-
3 struction, alteration, repair, operation, and maintenance of all
4 buildings, wharves, docks, slips, quays, and water-front prop-
5 erty, water-works, and other public utilities of every kind
6 and nature, owned or hereafter to be acquired or operated
7 under the control of the city, not in this charter assigned to
8 another department.

SEC. 123. *Department of streets and parks.* The depart-
2 ment of streets and parks shall have supervision of the parks
3 and the streets of the city, except where a part of any wharf,
4 dock, slip, or quay belonging to or under the control of the
5 city encroaches upon any street; also supervision of all work
6 done on, in, under, or over the streets, except as aforesaid,
7 whether of construction, maintenance, or repair, and of all
8 sewers, pipes, conduits, tunnels, and other installations placed
9 under the streets, and of all poles, tracks, and other installa-
10 tions placed on or above the streets. Any quarries or plants
11 operated by the city for the making or assembling of any sub-
12 stance or material for use in the building, maintenance, or
13 repair of streets, shall be under the supervision of and be con-
ducted by said department.

SEC. 124. *Chief officials.* The chief officials of the city
2 shall be a city attorney; a police judge; a treasurer, who shall
3a be ex-officio tax and license collector; a city clerk, who shall
3 be ex-officio city assessor; a city engineer and surveyor; a
4 chief of police; a chief of the fire department; an assistant
5 chief of the fire department; a health officer; a city superin-
6 tendent of public schools; a street superintendent; a super-
7 intendent of the electrical department; a plumbing and
8 building inspector; a superintendent of water works; and five
9 library trustees. The council shall by ordinance prescribe the
10 duties of all the chief officials appointed by it, other than

11 those specified in this charter, and impose on them other
12 duties not inconsistent with this charter. The council, at any
13 time, by an affirmative vote of three members, may consolidate
14 and place in charge of one chief official the functions and
15 duties of two or more such chief officials. The council shall
16 have the power by the affirmative vote of three members to
17 remove from office any of the chief officials of the city appointed
18 by it, except the police judge.

19 The appointment of every chief official, not appointed by
20 the council, shall be subject to confirmation by the council,
21 except the city superintendent of public schools.

SEC. 125. *The city attorney.* The city attorney shall be
2 appointed by the mayor, and confirmed by the council. He
3 must be a citizen of the United States, admitted to practice in
4 all of the courts of this state, a resident and elector of the city
5 of Santa Cruz for three years next preceding his appointment.
6 He shall prosecute all criminal cases arising from violations
7 of the provisions of this charter and the ordinances of the
8 city, and shall attend to all suits, matters, and proceedings in
9 which the rights of the city are involved; *provided*, that the
10 council shall control all litigation and may employ attorneys
11 to take charge of or to assist the city attorney in any litigation.
12 The city attorney shall attend all regular meetings of the
13 council, and shall give his advice or opinion in writing upon
14 any question relating to municipal business, whenever
15 requested so to do by the council, or any of the boards or
16 officers of the city. He shall pass upon the form of all bonds
17 given to and contracts made by the city, endorsing his approval
18 or disapproval thereon. He shall, whenever required by the
19 council, draft ordinances for the city and amendments thereto;
20 he shall do and perform such other acts relating to his office
21 as the council or the mayor shall require.

SEC. 126. *Police judge.* The police judge shall be ap-
2 pointed by the commissioner of public health and safety, and
3 confirmed by the council. He shall be assigned to the depart-
4 ment of public health and safety.

SEC. 127. *Treasurer and ex-officio tax and license collector.*

2 The treasurer shall be appointed by the commissioner of
3 revenue and finance, and confirmed by the council. He shall
4 be assigned to the department of revenue and finance. The
5 treasurer shall be ex-officio tax and license collector. As tax
6 collector he shall perform the duties in this charter and by
7 the general laws of the state provided. As license collector
8 he shall collect and receive all moneys due and owing to the
9 city for licenses. As treasurer he shall receive, safely keep,
10 and pay out all moneys belonging to the city, and all other
11 moneys provided to be paid into the treasury by this charter,
12 and shall keep an accurate account of all receipts and expendi-
13 tures under such rules and regulations as may be provided
14 by ordinance or the provisions of this charter. The treasurer
15 shall not receive any moneys unless the payment of the same
16 is accompanied by the certificate of the city clerk, stating
17 the amount of the same and to what fund applicable and by
18 whom to be paid. For all moneys received the treasurer shall
19 give a duplicate receipt, one of which shall be countersigned
20 by the city clerk before delivery to the party making payment,
21 and the other shall be delivered to and retained by the city
22 clerk. The treasurer shall not pay out any money belonging
23 to the city except upon claims presented, allowed, and audited
24 in the manner provided by this charter. The treasurer shall
25 make monthly statements to the council of the receipts and
26 expenditures of the preceding month. At no time shall the
27 weekly balance in the vaults of the treasury exceed the sum
28 of five thousand dollars; *provided*, that applications are on file
29 with the treasurer from a bank or banks in the city of Santa
30 Cruz, for the deposit of municipal funds in accordance with the
31 laws of the state. The treasurer shall perform such other
32 duties as may be imposed by ordinance or the provisions of this
33 charter.

SEC. 128. *City clerk and ex-officio assessor.* The city

2 clerk and ex-officio city assessor shall be appointed by the
3 council. He shall be clerk of the council. He shall be cus-
4 todian of deeds and other evidences of the title to city prop-

erty. He shall deliver such deeds and evidences of title to his successor. He shall keep the corporate seal, all books, papers, records, and archives of the city, not in use or possession of other officers under the provisions of this charter, or by ordinances of the city. He shall attend the meetings of the city council and of the board of equalization and keep a correct record of their proceedings. He shall keep books and record therein all ordinances, and index the same, and shall file and keep on file all contracts and official bonds, except as otherwise herein provided. He shall attest the signature of the mayor and shall have power to take affidavits and to administer oaths in all matters relating to the business of the city, but shall make no charge therefor.

The city clerk shall keep a record of all demands against the city allowed by the council, and against the library fund allowed by the board of library trustees, and approved by the mayor, the name of the original holder, amount, date of allowance, on what account incurred, and out of what fund payable. He shall correctly compute the amount of the several taxes of the assessment roll in accordance with the levy made by the council, and certify the same before turning the roll over to the tax collector. He shall, upon the application of any person indebted to the city, or of any officer or person desiring to pay or holding money payable into the city treasury, certify to the city treasurer the amount thereof, to what fund to be applied, and by whom to be paid; he shall, upon the order of the city treasurer directing him to issue a receipt to the person paying money into the city treasury, charge the city treasurer with the amount and give the person paying the same a receipt therefor. He shall apportion among the several funds all public moneys in the city treasury, not otherwise by law or ordinance specifically apportioned or appropriated, and notify the city treasurer of such apportionment. He shall countersign all licenses and permits issued to any officer whereon money is to be paid for the use of the city, and charge such officer with the amount. No license or permit shall be valid unless countersigned by him. He shall, at the

42 first meeting in each month, and oftener if required, report to
43 the council the condition of each fund in the treasury. He
44 shall, at the first meeting of the council in January and July
45 of each year, report the amount of, and sources from which
46 the revenue of the city was derived, how expended, and the
47 unexpended balance in each fund. He shall keep a set of
48 books, in which shall be plainly set forth every money transac-
49 tion of the city, showing the condition of the finances.

50 The city clerk shall attest all ordinances and resolutions, and
51 countersign all warrants drawn upon the city treasurer, signed
52 by the mayor. He shall formulate and submit to the council
53 for approval, a system of books and records to be kept, and
54 forms for reports to be made by each department to the coun-
55 cil, which, after approval, shall continue in force until other-
56 wise ordered. He shall perform such other duties as are
57 required of him by law, ordinance, or this charter.

SEC. 129. *Ex-officio city assessor.* As ex-officio city
2 assessor, the city clerk shall perform all duties prescribed by
3 this charter or by the laws of the State of California, for
4 assessing property in the city for purposes of taxation, and
5 shall collect taxes upon personal property required to be col-
6 lected by the assessor; *provided, however,* that the council
7 shall have authority to avail itself of the provisions of any act
8 of the legislature requiring county assessors to make assess-
9 ments or to furnish copies thereof for cities, of property sit-
10 uated therein.

SEC. 130. *City engineer and surveyor.* The city engineer
2 and surveyor shall be appointed by the commissioner of streets
3 and parks, confirmed by the council, and assigned to the
4 department of streets and parks. He shall be an elector of
5 the city, a civil engineer and licensed surveyor, of not less than
6 two years practical experience. He shall possess the power in
7 the city in making surveys, plats, and certificates, given by law
8 to city engineers or to county surveyors, and his official acts
9 and all plats, surveys, and certificates made by him shall have
10 the same validity, force, and effect given by law to those of
11 city engineers or county surveyors. He shall be the custodian

12 of all maps, plans, profiles, field notes, and other records and
13 memoranda belonging to the city, pertaining to his office and
14 the work thereof, all of which he shall keep in order, with full
15 indexes, and shall turn over the same to his successor, who
16 shall give duplicate receipts therefor, one of which he shall
17 file with the city clerk. All maps, plans, profiles, field notes,
18 estimates, and other memoranda of surveys and other profes-
19 sional work made or done by him or under his direction or con-
20 trol, for the city, during his term of office, shall belong to the
21 city.

SEC. 131. *Street superintendent.* The street superintend-
2 ent shall be appointed by the commissioner of streets and parks,
3 confirmed by the council, and assigned to the department of
4 streets and parks. He shall see that the laws, ordinances,
5 orders, and regulations relative to public streets and parks are
6 carried into execution and penalties for breaches thereof
7 enforced. He shall, under the direction of the commissioner of
8 streets and parks, superintend the construction and repair of
9 streets, sewers, and bridges, and the cleaning, sprinkling, oiling,
10 and draining of streets and the flushing of sewers; he shall
11 have the general care of, and frequently inspect the same,
12 approve or reject all materials for construction or repair of
13 streets, sewers, and bridges, whether by contract or otherwise,
14 and report to the commissioner of streets and parks all devia-
15 tions from contracts and specifications, use of improper
16 materials, or defective work. He shall perform such other
17 services as are required of him by the commissioner of streets
18 and parks, by this charter, ordinances, or the general law.

SEC. 132. *Superintendent of the electrical department.*
2 The superintendent of the electrical department shall be
3 appointed by the commissioner of public health and safety,
4 confirmed by the council, and assigned to the department of
5 public health and safety. He shall perform such services as
6 are required of him by said department, this charter, the
7 ordinances, or general law.

SEC. 133. *Plumbing and building inspector.* The plumbing and building inspector shall be appointed by the commissioner of public health and safety, confirmed by the council, and assigned to the department of public health and safety. He shall perform such services as are required of him by said department, by this charter, the ordinances, or general law.

SEC. 134. *Superintendent of public schools.* The city superintendent of public schools shall be appointed by the board of education. He shall perform the services required of him by the board of education, by this charter, and the general law.

SEC. 135. *Superintendent of water works.* The superintendent of water works shall be appointed by the commissioner of public works, confirmed by the council, and assigned to the department of public works. He shall perform such services as are required of him by said department, by this charter, the ordinances, and general law.

SEC. 136. *Library trustees.* The library trustees shall be appointed by the mayor and confirmed by the council. They shall perform the services required of them by this charter, the ordinances, and general law.

SEC. 137. *Auditing committee.* The auditing committee shall employ, for a stipulated compensation, at the beginning of each fiscal year, a competent accountant, to examine, once a year, or oftener, if in the judgment of the auditing committee advisable, the books, records, and reports of the city clerk, and of all officers and employees who receive or disburse moneys, and the books, records, and reports of such other officers and departments as the auditing committee may direct. He shall also examine the proceedings of the city council in relation to the purchasing of supplies, letting of contracts, payment of salaries and wages, and all matters and things connected with the business management of the city, and shall report in writing the purchase of any supplies at a cost exceeding the market value at the time of such purchase, as well as every case of

15 letting of contracts unfairly. He shall examine all work done
16 by the council other than by contract to the lowest bidder, and
17 report in writing his conclusions as to the relative cost of work
18 done by the city and that performed by contract. He shall
19 make a copy of his report for the mayor, the auditing commit-
20 tee, the city clerk, and the public library. Such accountant
21 shall recommend ways and means to improve the methods of
22 keeping the books, records, and accounts of the city. The
23 members of the auditing committee, and the accountant, shall
24 have unlimited opportunity of investigation, to examine under
25 oath all officers, clerks, and employees of the city, and every
26 such officer, clerk, and employee shall give all required assist-
27 ance and information to the members of said auditing com-
28 mittee and said accountant, and shall submit to any of them
29 for examination such books, papers, and records of his office
30 as may be required. Failure so to do shall be cause for for-
31 feiture of office or dismissal from employment. The compen-
32 sation of said accountant shall be fixed by the auditing com-
33 mittee, and paid as other claims against the city. Whenever
34 requested so to do by the auditing committee, the council shall
35 have the report of the said accountant printed in pamphlet
36 form for distribution and publicity. The auditing committee
37 shall keep a file of its proceedings open to public inspection,
38 and which shall include all accountant and expert reports. It
39 shall also file any written reports or complaints by citizens as
40 to charges of mismanagement of officers or employees. Said
41 auditing committee may publish and file a report, and any
42 member thereof may file a report, whenever deemed necessary.

SEC. 138. *Approval of bonds.* All official bonds shall have
2 endorsed thereon the approval of the auditing committee.

SEC. 139. *Compensation of officers and employees.* The
2 compensation of all city officers, officials, and employees, not
3 fixed by this charter or otherwise provided, shall be fixed by
4 the council, except where a person, board, or body other than
5 the council, is empowered to employ. No officer, official, or
6 employee of the city shall receive any perquisite other than
7 the salary or compensation provided for in this charter or by

8 the council or other person or board. All fees received or
9 collected by any officer, official, or employee of the city, shall
10 be paid into the city treasury.

SEC. 140. *Reports of departments.* All officers and boards
2 shall render and file with the city clerk, annually, or when
3 required by the council, full written reports of the business
4 transacted by each of them and their subordinates subsequent
5 to their last report, together with comments on and recom-
6 mendations for the betterment of the work of their respective
7 offices or departments.

SEC. 141. *Officials to hold but one office.* The mayor,
2 commissioners, and chief officials shall not hold any other
3 offices or employment in the city, the salary or compensation
4 of which is paid either directly or indirectly by the city.
5 Neither the mayor nor any commissioner shall be eligible to
6 any municipal office created by, or the compensation of which
7 has been increased by the council while he is a member, until
8 at least one year shall have elapsed after the expiration of the
9 term for which he was elected, nor shall any member of the
10 council be selected to fill any vacancy that may occur in any
11 other office subject to confirmation or appointment by the
12 council, during the term for which he was elected.

ARTICLE IX.

JUDICIAL DEPARTMENT.

SEC. 142. *Police court.* The judicial power of the city
2 shall be vested in a police court, which shall be presided over
3 by a police judge.

SEC. 143. *Qualifications of police judge.* The police judge
2 shall have been a resident of the city for one year next pre-
3 ceding his appointment, an elector thereof, and must have been
4 admitted to practice as an attorney and counselor at law in all
5 of the courts of the state.

SEC. 144. *Disqualification of police judge.* In all cases
2 where, under the laws of this state, a justice of the peace is
3 disqualified, or when, for any reason, the police judge is unable

4 to act, he shall call a justice of the peace of Santa Cruz county
5 to hold court in his stead.

SEC. 145. *Appointment and compensation.* The police judge
2 shall be appointed for a term of four years. His compensa-
3 tion shall be fixed by the council.

SEC. 146. *Powers of police court.* The police court shall
2 have same jurisdiction, civil and criminal, as justices of the
3 peace of townships, and justices' courts in townships. The
4 police court shall have exclusive jurisdiction of all civil and
5 criminal actions or proceedings for the violation of any ordi-
6 nance of the city, and of all actions for the collection of any
7 license imposed by any ordinance of the city, except such
8 actions as are within the original jurisdiction of the superior
9 court of Santa Cruz county. The police judge shall have
10 power to impose fines upon or to imprison persons adjudged
11 guilty of a violation of any ordinance of the city, and such fine
12 or imprisonment shall be in accordance with the terms of such
13 ordinance; *provided, however*, that such fine shall not exceed
14 five hundred dollars, and such imprisonment shall not exceed
15 six months in the county jail or city prison, and the sentence
16 administered shall not be greater than both such fine and
17 imprisonment. In case of imprisonment for non-payment of
18 a fine, such imprisonment shall be one day for each two dollars
19 of the fine imposed, and the police judge shall have power, in
20 sentencing any person adjudged guilty of and fined for any
21 offense, or sentenced to be imprisoned therefor, or both, to
22 cause such person to labor upon the public streets or upon any
23 public works of the city during the period of such sentence.
24 All provisions of the several codes and of the statutes of this
25 state, relative to procedure in justices' courts, are applicable
26 to procedure in the police court. It may issue all writs and
27 process which may be issued by justices of the peace or justices'
28 courts, and the police judge may certify and take depositions,
29 affidavits, and acknowledgments. Any warrant, writ, sum-
30 mons, or other process, issued by the police court, may be
31 directed to the chief of police or to any sheriff or constable,

32 who shall serve and return the same. The police court shall
33 always be open for the transaction of business.

SEC. 147. *Books and papers to be kept by police judge.*
2 The police judge shall keep a civil and a criminal docket,
3 which shall contain an index and a page or pages for each
4 case or proceeding, and there shall be entered therein a brief
5 description of every paper filed or issued by said court, and
6 of every proceeding had in the action or proceeding, includ-
7 ing the judgment rendered therein. He shall keep all of the
8 papers on file in his office, in a neat and orderly manner,
9 properly indexed. The records of the court or judge shall
10 belong to the city.

SEC. 148. *Appeals.* Appeals may be taken to the superior
2 court from any judgment or order of the police judge or of the
3 police court, in the same manner as from justices' courts, and
4 all provisions of law relating to appeals from justices' courts
5 shall be applicable to appeals from the police court.

SEC. 149. *Seal.* The police court shall have a seal on
2 which shall be engraved the arms of the State of California
3 and the words "Police Court City of Santa Cruz", and the
4 seal shall be affixed to all process issued by said court.

SEC. 150. *Report and account.* The police judge shall
2 report to the city council monthly. In all cases brought
3 before or tried by the police judge, he shall charge the same
4 fees as are allowed by law to justices of the peace in similar
5 cases. All fines imposed and collected, and all fees charged,
6 or which should be charged by the police judge, shall be paid
7 monthly into the city treasury on or before the last day of
8 each month.

ARTICLE X.

POLICE DEPARTMENT.

SEC. 151. *Organization.* The police department shall consist of a chief of police and policemen.

SEC. 152. *Qualifications.* Each member of the police department shall be a citizen of the United States, an elector of the city, able to read and write the English language, and a resident of the city for three years next preceding his appointment.

SEC. 153. *Duties.* The chief of police and policemen shall be appointed by the commissioner of public health and safety. The appointment of chief of police shall be confirmed by the council. He shall be the head of the department and shall be held responsible for the execution of all laws and ordinances and of the rules and regulations of the department, and shall exercise such other powers as may be provided by ordinance. He shall see that the orders and processes issued by the commissioner of public health and safety and those of the council, and police judge, are promptly executed.

ARTICLE XI.

FIRE DEPARTMENT.

SEC. 154. *Organization.* The fire department shall consist of a chief of the fire department, an assistant, and other officers and firemen.

SEC. 155. *Qualifications.* Each member of the fire department shall be a citizen of the United States, and able to read and write the English language.

SEC. 156. *Appointments and duties of chief of fire department.* The chief of the fire department and all other officers and members thereof, shall be appointed by the commissioner of public health and safety. The appointment of the chief and assistant shall be confirmed by the council.

The chief shall be the head of the department and shall perform the duties of fire marshal. He shall superintend the

8 extinguishment of fires. He shall have control and manage-
9 ment of all fire engines and fire apparatus belonging to the
10 city, and all members and employees of the fire department
11 shall be under his control and command. He shall observe
12 the condition of the apparatus and workings of the depart-
13 ment, and shall see that all laws, orders, rules, and regulations
14 relating to the fire department are enforced. He shall submit
15 to the commissioner of public health and safety, at least once
16 each month, a written statement of the number of men
17 employed, their compensation, and the condition of the depart-
18 ment, and make recommendations respecting the same. He
19 shall have such other powers and duties as may be provided
20 for by ordinance. In the absence or inability of the chief,
21 the assistant shall perform his duties.

ARTICLE XII.

HEALTH DEPARTMENT.

SEC. 157. *Appointment.* The commissioner of public
2 health and safety shall appoint the health officer, and assist-
3 ants. The appointment of the health officer shall be con-
4 firmed by the council.

SEC. 158. *Authority of commissioner.* Said commissioner
2 shall have supervision over the sanitary conditions of the city.
3 He shall enforce the law and ordinances and all orders and
4 rules pertaining to health, sanitary, quarantine, and disinfec-
5 tion regulations, with power to make arrests for any violation
6 thereof.

SEC. 159. *Qualifications.* The health officer shall be a
2 physician of three years practice, licensed in this state, and an
3 elector of the city.

ARTICLE XIII.

SCHOOL DEPARTMENT.

SEC. 160. *Schools.* The school department shall comprise
2 all of the schools within the city and within the territory that
3 now is or that may hereafter be annexed for school purposes.
4 and shall be known as Santa Cruz school district; shall con-

5 sist of primary, grammar, and high schools, and may, at the
6 discretion of the board of education, include kindergartens,
7 technical, industrial, and night schools; *provided*, that no
8 school money shall be used for technical, industrial, or night
9 schools, when such use would prevent the board of education
10 from maintaining free kindergarten, primary, grammar, and
11 high schools for ten months in each year.

SEC. 161. *Government and organization.* The schools
2 shall be governed by the board of education. It shall meet
3 annually on the fourth Monday in May, shall organize and
4 choose one of its members president, who shall serve one year.
5 The board shall elect a clerk, to serve at its pleasure.

SEC. 162. *Meetings.* The board shall hold regular meet-
2 ings at least once a month, at such time as it may determine,
3 at the office of the city superintendent of schools, which office
4 shall be in the high school building.

5 Special meetings may be called by the president, and must
6 be called upon the written request of two members.

SEC. 163. *Powers and duties.* The powers and duties of
2 the board of education are:

3 1. To establish and maintain public schools as herein pro-
4 vided, and to change, consolidate, or discontinue the same.

5 2. To divide the district into school subdivisions.

6 3. To employ and discharge superintendents, principals,
7 teachers, and other employees.

8 4. To fix, alter, allow, and order paid the salaries or wages
9 of all employees, and to withhold, for cause, the whole or any
10 part thereof.

11 5. To make and enforce rules for the government and man-
12 agement of the public schools, and for the teachers and pupils
13 thereof.

14 6. To establish and regulate the grade of the schools and to
15 determine the course of study therein, the mode of instruction,
16 and what text-books, other than those published by the state,
17 shall be used in the schools.

18 7. To prescribe the course of study for the high school.

19 8. To provide fuel, lights, water, printing, stationery, and
20 other supplies for the department.

21 9. To build, alter, repair, rent, furnish, and insure school
22 houses and property.

23 10. To purchase, sell, receive, lease, hold in fee or in trust
24 for the city, any and all property that may have been acquired
25 or that may hereafter be acquired, for the use and benefit of
26 the schools, and to make, in the name of the city, conveyances
27 of property belonging to the city sold by the board of educa-
28 tion; *provided*, that the proceeds of any such sale shall be
29 applied to the purchase of other lots or for the erection of
30 school houses for the use of the department.

31 11. To grade, fence, and improve school lots and grounds.

32 12. To prohibit any child under the age of six years from
33 attending public school; except that kindergarten classes may
34 be attended by children not under four years of age. To
35 suspend or expel pupils for misconduct.

36 13. To admit persons over twenty-one years of age to the
37 schools, upon payment of tuition fees fixed by the board.

38 14. To provide books for children of parents unable to fur-
39 nish them.

40 15. To visit the schools of the city and examine their man-
41 agement and condition.

42 16. To discharge all legal incumbrances upon school prop-
43 erty.

44 17. To sue for property acquired for the use and benefit of
45 the department, and to prosecute and defend all actions nec-
46 essary to recover and maintain said property, and to require
47 the services of the city attorney therein.

48 18. To perform such acts as may be required to carry into
49 effect the powers conferred upon the board and to increase
50 the efficiency of the schools.

SEC. 164. *City superintendent of schools.* The board shall
2 annually appoint a city superintendent of schools, who shall
3 be a practical educator of not less than five years of success-
4 ful experience in teaching. He shall not engage in any busi-
5 ness that will interfere directly or indirectly with the per-
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6 formance of his duties. During his incumbency, he shall
7 not hold, nor be a candidate for, any other office. He shall
8 have supervision over the school property; he shall grade the
9 classes in the schools and classify the pupils as to the grade
10 of school they shall attend; he shall recommend to the board
11 such additions and changes in the grade of the schools, course
12 of study, text books, and such other things and matters, as he
13 deems beneficial and proper. He shall, in June of each year,
14 submit to the board of education a detailed report of the pro-
15 gress of the schools, their present condition, the condition of
16 school houses, lots, and furniture, the number of pupils taught
17 respectively in the respective schools and grades. He shall
18 have supervision and control of the teachers, and shall report
19 to the board any misconduct, want of ability, negligence, or
20 inattention on the part of any of them; he shall, subject to
21 the approval of the board, assign teachers to such classes as
22 shall be for the best interest of the schools; he shall see that
23 none but authorized text-books are used, and that teachers
24 and pupils faithfully perform their respective duties; he shall
25 perform such other duties as may be imposed by the board,
26 or the general laws of the state.

SEC. 165. *Clerk of the board of education.* The clerk of
2 the board shall keep a record of the proceedings of the board
3 and an account of the expenditures allowed by it, and for what
4 purpose. He shall be the custodian of all books, papers, and
5 documents belonging to the department. He shall, in June of
6 each year, make a full and complete detailed report of receipts
7 and expenditures of the department. He shall perform such
8 other duties as the board may require of him.

SEC. 166. *General provision.* All other matters pertain-
2 ing to the school department, not specifically provided for in
3 this charter, shall be governed by general law.

ARTICLE XIV.

PUBLIC LIBRARY.

SEC. 167. *Control and management.* The public library
2 shall be controlled and managed by the board of library trus-
3 tees, in accordance with the provisions of the general law.

ARTICLE XV.

REVENUE AND TAXATION.

SEC. 168. *Fiscal year.* The fiscal year of the city shall
2 commence upon the first day of July of each year, or at such
3 other time as may be fixed by ordinance.

SEC. 169. *Tax system.* The council shall by ordinance
2 provide for the assessment, levy, and collection of all city taxes
3 not inconsistent with the provisions of this charter or general
4 law. The council shall have power to adopt by ordinance any
5 law of the state, whereby the assessment may be made by the
6 assessor of Santa Cruz county, and taxes collected by the tax
7 collector of said county for and in behalf of said city. Other
8 provisions of this charter concerning the assessment, levy, and
9 collection of the taxes, shall be subject to the provisions of any
10 such ordinance.

SEC. 170. *Department estimates.* On or before the first
2 Monday in May in each year, or on such date as shall be fixed
3 by the council, the heads of departments, officers, boards, and
4 commissions, shall submit to the commissioner of revenue and
5 finance, an estimate, in writing, of the amounts, specifying in
6 detail the purposes thereof, required for the business and con-
7 duct of the respective departments, offices, boards, and com-
8 missions, during the ensuing fiscal year.

SEC. 171. *Estimate by commissioner.* On the first Monday
2 in July in each year, or on such date as may be fixed by the
3 council, the commissioner of revenue and finance shall submit
4 to the council an estimate in detail of the probable expendi-
5 tures of the city government for the ensuing fiscal year, stat-
6 ing the amount required to meet the interest and sinking funds

7 for the outstanding funded indebtedness of the city, and the
8 necessities of all of the departments of the municipal govern-
9 ment; also an estimate of income from fines, licenses, and other
10 sources of revenue exclusive of taxes on property, and the
11 probable amount required to be levied and raised by taxation.

SEC. 172. *Annual budget.* The council shall, prior to fix-
2 ing the tax levy, annually make a budget of the estimated
3 amounts required to pay the expenses of conducting the busi-
4 ness of the city for the ensuing fiscal year.

SEC. 173. *Board of equalization.* After ten days notice
2 thereof given to the taxpayers of the city by publication in a
3 daily newspaper published in the city of Santa Cruz, the coun-
4 cil shall meet at its usual place of holding meetings, on the
5 first and each succeeding Monday in August of each year, at
6 nine o'clock in the forenoon of said days, and sit and act as a
7 board of equalization, and shall have, as regards the equaliza-
8 tion of the levy and assessment of city taxes, powers similar to
9 those conferred upon the board of supervisors of Santa Cruz
10 county as a board of equalization of county taxes. The meet-
11 ings of the council as a board of equalization shall be public.
12 The said board shall have power to increase or diminish the
13 amount of any assessment, both as to real and personal prop-
14 erty, *provided* that before any assessment shall be increased,
15 due notice shall be given to the owner or owners of the prop-
16 erty, the assessed value of which it is proposed shall be
17 increased, of the intention to increase the same, by mailing a
18 written notice thereof to such owner or owners of said prop-
19 erty at least five days before the same shall be increased, and
20 said notice shall inform such owner or owners of said property
21 to be and appear before said board at a specified time to show
22 cause, if any they have, why said assessment should not be
23 increased. Such owner or owners shall have the right to be
24 heard before said board, under oath, before the time fixed for
25 increasing of such assessment.

SEC. 174. *Tax levy.* The council must, not later than the
2 first Tuesday in September of each year, adopt an ordinance

3 levying upon the assessed valuation of the property of the
4 city, subject to the provisions of this charter, a rate of taxa-
5 tion upon each one hundred dollars of the valuation sufficient
6 to raise the amounts estimated to be required in the annual
7 budget, less the amounts estimated to be received from fines,
8 licenses, and other sources of revenue. The assessment roll
9 shall then be delivered to the city clerk, who shall compute
10 and carry out the amount of tax so levied upon each parcel of
11 property contained in said assessment roll. The corrected list
12 for each tax shall be the assessment roll of said tax for said
13 year, and it shall be certified by the city clerk as being the
14 assessment roll of said tax.

SEC. 175. *Limit of tax levy.* The tax levy for each fiscal
2 year shall not exceed, except as in this charter provided, the
3 rate of one dollar on each one hundred dollars of the assessed
4 value of all the real and personal property within the city.

SEC. 176. *Bond and library tax.* The council shall have
2 power to levy and collect taxes in addition to the taxes herein-
3 above authorized, sufficient to pay the interest and maintain the
4 sinking funds of the funded indebtedness of the city, and to
5 provide for the establishment and support of public libraries
6 and reading rooms; *provided*, that said library tax levy shall
7 not exceed the rate of ten cents on each one hundred dollars
8 of the assessed valuation of all the property within the city.

SEC. 177. *Tax liens.* All taxes assessed, together with any
2 percentage imposed for delinquency and the cost of collection,
3 shall constitute liens upon the property assessed. Every tax
4 upon personal property shall be a lien upon the real property
5 of the owner thereof. The liens provided for in this section
6 shall attach as of the first Monday in each year, and may be
7 enforced by actions in any court of competent jurisdiction to
8 foreclose such liens, or by sale of the property affected and the
9 execution and delivery of all necessary certificates and deeds
10 therefor, under such regulations as may be prescribed by ordi-
11 nance; *provided*, that when real estate is offered for sale for
12 taxes thereon, the same shall be struck off and sold to the city,

13 in like case and in like manner and with like effect and with
14 like right of redemption, as it may be struck off and sold to
15 the state when offered for sale for state and county taxes;
16 and the council shall have the power to provide for the pro-
17 cedure to be followed in such sales to the city and for the
18 redemption of the property thereafter.

SEC. 178. *Uniform accounts and reports.* The council shall
2 prescribe uniform forms of accounts and reports, which shall
3 be observed and kept by all officers and departments of the
4 city which receive or disburse moneys. Whenever an act shall
5 be passed by the state legislature for uniform municipal
6 accounts and reports, the council is hereby authorized to adopt
7 the same.

ARTICLE XVI.

CLAIMS AND DEMANDS.

SEC. 179. *Approval.* All demands payable out of the city
2 treasury must, except as otherwise provided in this charter, be
3 approved by the council.

SEC. 180. *Payment.* All claims and demands against the
2 city shall be paid only as herein provided.

SEC. 181. *How presented and endorsed.* All claims and
2 demands, except as hereinafter provided, shall be duly verified,
3 and presented to the council on forms furnished by the city
4 clerk. If said claims be just and legal, the council shall
5 approve the same, or may, in a proper case, approve in part
6 or reject the same. The action of the council shall be endorsed
7 on said claims and demands, with the date of such action, and
8 shall be certified by the city clerk.

SEC. 182. *Claims to be numbered.* Every claim and
2 demand shall be numbered and acted upon by the city clerk in
3 the order of presentation to him; and, when allowed, either in
4 whole or in part, shall be numbered and entitled to payment
5 in the same order as allowed.

SEC. 183. *Claims against library fund.* All claims and
2 demands payable out of the library fund must be approved by

3 the board of library trustees before they can be approved or
4 paid, and such approval shall be entered upon their minutes
5 and endorsed upon said claims or demands. They shall be
6 signed by the president and secretary of said board. After
7 such approval and signing, they shall be delivered to the city
8 clerk and be presented by him to the mayor, for consideration
9 and approval.

SEC. 184. *Claim must be itemized.* No claim or demand
2 shall be approved, audited, or paid by any board or officer,
3 unless it specify each several item, with the date and amount
4 thereof.

SEC. 185. *Legality.* No payment shall be made from the
2 city treasury or out of the public funds of the city, unless the
3 same be authorized by law; nor unless the said claim or demand
4 shall have been duly audited as in this charter provided. The
5 term "audited" means that said claims and demands have been
6 presented to, passed upon, and approved by every officer and
7 board required by this charter to do so, and this must appear
8 upon the face of said claim or demand.

SEC. 186. *Indebtedness to city to be deducted.* No claim
2 or demand shall be approved by the council in favor of any
3 person or officer who is indebted to the city, or any assignee
4 of such claim, without first deducting the amount of said
5 indebtedness; nor in favor of any officer having the collec-
6 tion, custody, or disbursement of public funds, who shall have
7 failed to account to the city as required by law; nor in favor
8 of any officer who shall have failed to make his official returns
9 or report in writing, in the manner and at the time required by
10 law; nor in favor of any officer who has failed to comply with
11 any of the provisions of this charter or the ordinances of the
12 city, or any act of the legislature regulating the duties of such
13 officer, after notice in writing by the council to comply there-
14 with; nor in favor of any officer for the time he shall have
15 absented himself, without lawful excuse, or the consent of the
16 council, from the duties of his office during the office hours
17 prescribed by this charter or by ordinance, and the council

18 may examine, under oath, any officer receiving a salary from
19 the city, touching such absence.

SEC. 187. *Record of claims and demands.* The city clerk
2 shall number and keep a record of all claims and demands
3 upon the city treasury, approved by the council, and of the
4 claims and demands approved by the board of library trustees,
5 showing the number, date, and amount thereof, and the name of
6 the original and present holder, on what account allowed, out
7 of what fund payable, and by what board or officer approved.

SEC. 188. *Payment and registration of warrants.* Every
2 demand upon the city treasury, audited and allowed as in this
3 charter provided, shall, in all cases, be paid upon presentation
4 of the warrant issued, if there be sufficient money in the city
5 treasury applicable to the payment of such demand, and the
6 warrant shall be canceled by a punch cutting the word "Can-
7 celed" therein, and the proper entry shall be made. If there
8 is not enough applicable, the warrant shall be registered
9 by the city treasurer in a book kept for that purpose. Such
10 register shall show the special number of such warrant given by
11 the city clerk, the date, amount, name of the original and
12 present holder, on what account allowed, against what appro-
13 priation drawn, out of what fund payable, and the date of
14 presentation. All warrants shall be paid in the order of their
15 registration. Each warrant, upon being registered, shall be
16 returned to the party presenting it, with the endorsement of
17 the word "Registered," the date of registration, and the signa-
18 ture of the city treasurer; but the registration of any warrant
19 shall not operate to recognize or make valid any such warrant
20 if drawn contrary to law.

SEC. 189. *Public moneys.* All public moneys collected by
2 any officer or employee of the city shall be paid into the city
3 treasury; and the compensation of all officers, employees, or
4 other persons collecting any money due the city, shall be paid
5 by demands upon the city treasury, audited as other claims and
6 demands are audited and paid.

ARTICLE XVII.

PUBLIC WORK AND CONTRACTS.

SEC. 190. *Form of contracts.* All contracts must be in
2 writing, approved by the city attorney, executed in the name
3 of the city by an officer or officers authorized thereunto, counter-
4 signed, numbered, and registered by the city clerk in a book
5 kept for that purpose.

SEC. 191. *Progressive payments on contracts.* Contracts
2 may provide for progressive payments, if in the ordinance
3 authorizing or ordering the work permission is given therefor,
4 but no progressive payments can be provided for or made at
5 any time, which, with prior payments, shall exceed seventy-
6 five per cent of the value of the labor done and the materials
7 used up to that time, and no contract shall provide for or
8 authorize the payment of more than seventy-five per cent of
9 the contract price before the completion of the work done there-
10 under and the acceptance thereof by the proper officer, board,
11 or department.

SEC. 192. *Public work to be done by contract.* The erection,
2 improvement, and repair of all public buildings and works, all
3 street and sewer work, and all work along streams, bays, or
3 the water front, for protection against overflow or erosion,
4 furnishing supplies and materials for the same, or for any use
5 by the city, when the estimate therefor exceeds the sum of five
6 hundred dollars, shall be done by contract, and shall be let to
7 the lowest responsible bidder, after advertising for sealed pro-
8 posals for five consecutive days in a daily newspaper of general
9 circulation published in the city of Santa Cruz. Such notice
10 shall specifically state the work contemplated to be done. The
11 council may reject any bid deemed excessive, and readvertise
12 or order the work to be done by the department of public
13 works. If no bid is received, the work shall be done by the
14 department of public works.

SEC. 193. *Official advertising.* The city clerk shall submit
2 a list of blanks and blank books used in the several offices and

3 departments, and the council shall annually fix the price there-
4 for, and also the price of all job printing and city advertising;
5 and each officer, board, or department shall procure such blank
6 books, job printing, and advertising, at a price no greater than
7 is so fixed, and certify the bill therefor to the council. A
8 square of advertising shall be two hundred and thirty-four
9 ems nonpareil.

SEC. 194. *Contracts for lighting.* No contract for lighting
2 streets, public buildings, places, or offices shall be made for a
3 longer period than three years, nor at a higher rate than the
4 minimum price charged private consumers.

SEC. 195. *Contracts for water.* No contract for supplying
2 water for any department of the city shall be at a higher rate
3 than the minimum price charged private consumers.

SEC. 196. *Collusion with bidder.* Any officer of the city,
2 or of any department thereof, who shall aid or assist a bidder in
3 securing a contract to furnish labor, material, or supplies at
4 a higher price than that proposed by any other bidder, or who
5 shall favor one bidder over another by giving or withholding
6 information, or who shall wilfully mislead any bidder in regard
7 to the character of the material or supplies called for, or who
8 shall knowingly certify to a greater amount of labor performed
9 than has actually been performed, or to the receipt of a greater
10 amount or different kind of material or supplies than has been
11 received, shall be guilty of malfeasance in office.

SEC. 197. *Collusion of bidder.* If any person to whom a
2 contract has been awarded has, in presenting any bid or bids,
3 colluded with any other person for the purpose of preventing
4 other bids, then the contract so awarded shall be null and void,
5 and the council shall readvertise or provide for the said work
6 to be done by the department of public works.

SEC. 198. *Officers interested in contracts. Freedom of*
2 *trade.* No officer shall be interested in any contract made by
3 him in his official capacity, or by any body or board of which
4 he is a member, and any such contract shall be null and void;

5 and it shall be a felony punishable as provided in section
6 seventy-one of the Penal Code of California for any commis-
7 sioner or officer to suggest or require of any employee that such
8 employee or any member of his family trade individually, or
9 directly or indirectly, with any certain person, firm, or corpora-
10 tion.

ARTICLE XVIII.

CORPORATIONS AND FRANCHISES.

SEC. 199. *No exclusive franchise.* No exclusive franchise,
2 privilege, or permit shall be granted.

SEC. 200. *Franchise which may be granted.* The city may
2 grant, for a period not to exceed thirty-five years, the right
3 and franchise to use the public streets and highways of the
4 city for the purpose of operating street railroads and for con-
5 structing thereon or laying thereunder electric, telephone, and
6 telegraph wires and cables, gas and water mains and service
7 pipes, over, along, in, under, or upon any street or highway,
8 and may grant franchises for wharves, and railroads, other
9 than street railroads, when authorized so to do by vote of the
10 people.

SEC. 201. *Property rights of the city inalienable.* The
2 rights of the city in and to the water-front and tidelands
3 vested in it in fee or in trust, are inalienable, and its parks
4 and other public places, except as herein provided, are inalien-
5 able unless authorized by a vote of two-thirds of the qualified
6 electors of the city of Santa Cruz, had at a general or special
7 municipal election.

SEC. 202. *Regulation of rates.* The city shall have the
2 right, whether reserved in franchises granted by it, or not,
3 to regulate the rates, fares, rentals, or charges made for serv-
4 ices rendered under franchises, and the right to regulate the
5 rates, fares, rentals, and charges for wharfage, water, elec-
6 tricity, electric light, electric power, gas, telephones, telephone
7 service, heat, and transportation supplied to the city and its
8 inhabitants.

SEC. 203. *Sale of franchise.* Applications for a franchise shall be in writing and filed with the city clerk, and shall state the nature of the franchise applied for and the term desired, and shall be accompanied by a cash deposit of one hundred dollars or by a certified check payable to the city clerk, which sum shall be retained by the city for costs of advertising and other preliminary expenses, said expenses to finally be paid by the successful bidder. If, after the filing of such application accompanied by the original deposit or certified check, the council deems it desirable to grant the same, it shall set such application for hearing and advertise the fact, together with a brief description of the franchise applied for, and that it proposes to sell the same, in a daily newspaper published in said city, for not less than ten days before the day of sale. Said advertisement shall further state that sealed bids or proposals for the purchase of said franchise will be received and the franchise awarded to the bidder offering to pay to the city, during the life of the franchise, the highest percentage of the gross receipts therefrom; *provided*, that the percentage of the gross receipts during the first five years shall be not less than two per cent, and shall be not less than four per cent during the remainder of the life of said franchise. Every application for a franchise under this article shall, in addition to being accompanied by the sum of one hundred dollars, be accompanied by the sum of five hundred dollars, or by a certified check for that amount payable to the city clerk, as a guaranty of good faith, which sum of five hundred dollars, or certified check, shall be returned only on execution of a bond as hereinafter provided. Every other person bidding for such franchise, shall, at or prior to the time of making his bid, deposit with the city clerk the sum of five hundred dollars, or a certified check for that amount payable to the city clerk, as a like guaranty of good faith. In the event that the applicant or any bidder be not awarded the franchise, or if awarded the franchise and within such reasonable time thereafter as the council shall allow, shall cause to be executed a bond in a sum of not less

38 than one thousand dollars, fixed by the council, and with suffi-
39 cient sureties, approved by the mayor, conditioned that such
40 bidder will faithfully execute the conditions of such fran-
41 chise upon his part to be performed, then such deposit shall
42 be returned. At the time set for hearing the application, and
43 the opening of the sealed bids or proposals therefor, any bid
44 may be raised by any responsible bidder offering not less than
45 one-quarter of one per cent of the gross receipts above the
46 highest sealed bid therefor, and such bid may be raised not
47 less than one-quarter of one per cent until there shall be but
48 one bidder therefor. The franchise shall have inserted
49 therein a proviso that it shall be forfeited in the event that
50 such percentage of the gross receipts be not annually paid to
51 the city at a date by the council to be determined. No ordi-
52 nance granting any franchise shall be put upon its final pas-
53 sage within thirty days after its introduction, and no fran-
54 chise shall be renewed until within one year prior to its
55 expiration.

SEC. 204. *Commencement and completion of work.* Con-
2 struction work under any franchise granted, shall be com-
3 menced in good faith within not more than four months from
4 the date of the taking effect of the ordinance granting such
5 franchise, permit, or privilege, and if not so commenced
6 within said time, said franchise, permit, or privilege shall be
7 forfeited. Work under any franchise so granted shall be
8 prosecuted with reasonable diligence to completion and shall
9 be completed within the time fixed for such completion in the
10 ordinance granting the same, which time shall be not more
11 than two years from the date of the taking effect of the
12 ordinance granting said franchise, and if not so completed
13 within said time the same shall be forfeited; *provided*, that
14 the council may by resolution extend the time for the com-
15 pletion thereof not exceeding three months.

SEC. 205. *Right of city to purchase.* At any time within
2 one year prior to the expiration of any franchise, the city may,
3 at its option, upon payment of a fair valuation for the prop-

erty and plant used in connection therewith, purchase and take over such property and plant.

SEC. 206. *Alienation of franchise.* No franchise shall be leased, assigned, or alienated without the express consent of the city entered upon the minutes of the council; *provided, however,* that the grantee under such franchise may include the same in a mortgage or trust deed executed for the purpose of obtaining money for its corporate purposes.

SEC. 207. *Report and examination of books.* The council shall have the authority to examine the books, vouchers, and records of any person, firm, concern, or corporation exercising or enjoying any franchise or privilege granted by it, and it shall be the duty of every person, firm, concern, or corporation exercising any franchise granted by the city, to file with the city clerk a report of its business during the preceding year; such report shall contain a statement of the gross receipts arising from the business done by such person, firm, or corporation, within said city, and such report shall contain such further facts as may be required by the council concerning the character and amount of business done, the amount and source of receipts and expenses connected therewith, during the period to be covered.

SEC. 208. *Forfeiture of franchise.* Every franchise shall provide for the determination and forfeiture thereof for any breach or failure to comply with any of its terms, limitations, or conditions imposed by this charter.

SEC. 209. *Gratuities from holders of franchises.* No officer or employee of the city shall, either directly or indirectly, receive any transportation, electric, gas, or telephone service, or other thing or commodity, as a gratuity from any person, firm, or corporation operating under any franchise granted by the city, nor shall he receive the same unless he pays therefor the same rate as that charged other patrons or consumers similarly situated, unless it shall be otherwise provided in the ordinance granting such franchise.

SEC. 210. *Street sprinkling, cleaning, and paving.* Every
2 grant of a franchise in, over, under, or along any of the streets,
3 highways, or public places of the city, for railway purposes,
4 shall be subject to the conditions that the holder of such fran-
5 chise shall sprinkle, oil, clean, pave, repave, and keep in repair
6 so much of said street, highway, or public place as lies between
7 the exterior rails of the track thereof, and for the space of two
8 feet outside of the exterior rails or track thereof.

SEC. 211. *Railroads.* Railroads operated through the city
2 and beyond its limits, shall not, as to operations within the
3 city, be subject to the provisions of this charter relative to the
4 payment of a portion of its gross receipts to the city, but such
5 railroads shall keep the width of the whole or that portion of
6 any street (exclusive of sidewalks) crossed or traversed by
7 its track or tracks, in repair, and may be required to oil,
8 sprinkle, clean, sweep, pave, and repave the same. The city
9 shall have the right to regulate charges for switching, ware-
10 houses, or yards within the city, and may preclude the use of
11 the streets of the city for the purpose of switching or making
12 up trains.

ARTICLE XIX.

CITY WATER WORKS.

SEC. 212. *Authority of council.* The council shall have
2 power and authority over the organization, government, man-
3 agement, and discipline of the water works department. The
4 commissioner of public works shall have control and supervision
5 of the water works system. The council shall never sell, lease,
6 assign, convey, mortgage, or hypothecate the water system, or
7 any part thereof, or the rents or income therefrom, unless
8 authorized so to do by vote of the people. The council shall,
9 by ordinance, make rules and regulations governing the water
10 works system, and shall fix uniform rates and provide for the
11 collection thereof.

ARTICLE XX.

LIGHT, HEAT, AND POWER.

SEC. 213. *Electric light plant.* The council shall have control and management of the electric light plant, and of all plants and works that may hereafter be acquired for furnishing the city or its inhabitants with light, heat, or power, and the same shall be under the control and supervision of the commissioner of public health and safety.

SEC. 214. *Maintenance and management.* The council shall have full power to construct, maintain, and improve such works, and to manage the same, and to rent, sell, distribute, and use light, heat, and power.

SEC. 215. *Rules and regulations.* The council shall by ordinance make rules and regulations governing the plants and works supplying light, heat, or power, shall fix uniform rates, and provide for the collection thereof.

ARTICLE XXI.

PARKS AND PUBLIC GROUNDS.

SEC. 216. *Control and management.* All public grounds and parks, including "De Laveaga Park," now owned or hereafter acquired, shall be under the control and management of the council, and it shall have exclusive power to govern, extend, and improve the same. The street superintendent shall be ex-officio superintendent of public grounds and parks, under direction of the commissioner of streets and parks.

SEC. 217. *De Laveaga park.* The council shall adopt rules for the regulation and government of De Laveaga park, and all other public grounds and parks under its supervision; such rules shall be conspicuously posted on the places to which they relate.

SEC. 218. *Report of superintendent.* The street superintendent shall, on the first Monday in May of each year, submit to the council a detailed statement of all moneys received and

4 expended during the preceding fiscal year on account of De
5 Laveaga park, and of other public grounds and parks, accom-
6 panied by an estimate of expenses for the next fiscal year.

SEC. 219. *Tax for parks and public grounds.* The council
2 is hereby authorized and empowered to levy and collect each
3 year, in the mode prescribed for the levy and collection of
4 taxes, a tax not greater than ten cents upon each one hundred
5 dollars assessed valuation of taxable property within said city,
6 for the purpose of acquiring, preserving, maintaining, and
7 improving public grounds and parks, including said De
8 Laveaga park. All moneys collected and arising from said
9 tax and from all other sources of revenue, including legacies,
10 gifts, and donations for the use and benefit of said public
11 grounds, parks, and land, shall be paid into the treasury of the
12 city, and shall be used or appropriated for no other purpose.

ARTICLE XXII.

THE INITIATIVE.

SEC. 220. *Petition.* The electors of the city shall have the
2 right to propose by petition, and to adopt at the polls any
3 ordinance which the council might enact. Such ordinance
4 shall be proposed by petition filed with the city clerk, setting
5 forth said ordinance in full, signed by electors in number as
6 hereinafter required.

SEC. 221. *Preliminary procedure.* Before any petition
2 for submission of such ordinance shall be circulated, an affi-
3 davit by or on behalf of its proponents, shall be filed with the
4 city clerk, containing a copy of the proposed ordinance, a state-
5 ment in not more than two hundred words giving the reasons
6 of said proponents for the adoption of such ordinance, a state-
7 ment of the intention to secure submission of said ordinance to
8 a vote of the electors by an initiative petition, and the address
9 of the party making such affidavit. The council shall have
10 five days after the filing of such affidavit, to send by registered
11 mail to the address given in such affidavit, a statement, in
12 not more than two hundred words, of the reasons why such

13 proposed ordinance should not be adopted. These reasons
14 for and against the adoption of the proposed ordinance shall
15 be printed as a part of the individual certificates constituting
16 the petition.

SEC. 222. *Form of petition. Contents.* The form and
2 contents of the petition and mode of certification shall be sub-
3 stantially as provided in article VI of this charter, and each
4 individual certificate constituting said petition shall have
5 printed thereon the reasons for and against the adoption of
6 the proposed ordinance, and the signer of said certificate must
7 certify that he has read such reasons.

SEC. 223. *Number of signers.* Upon presentation to the
2 council of such petition, signed and verified by qualified elec-
3 tors in number equal to ten per cent of the entire vote cast for
4 all candidates for the office of mayor at the last preceding gen-
5 eral municipal election, asking for the submission to the elec-
6 tors of an ordinance that the council itself might adopt, it
7 must either adopt and enact such measure without alteration,
8 or submit the same to the electorate at the next city election
9 occurring subsequent to sixty days after the filing of said
10 petition. But if said petition request the calling of a special
11 election and is signed and verified as herein provided and by
12 electors in number equal to twenty per cent of said vote, then
13 such ordinance, if not so adopted and enacted by the council,
14 must be submitted to the electorate at a special election to be
15 called within sixty days from the presentation of such petition.

SEC. 224. *Twenty-five per cent requirement.* If such pro-
2 posed ordinance is one that the council might adopt, except
3 that it involves the repeal or amendment of an ordi-
4 nance adopted by the electorate, as herein provided, and if
5 in such case said petition is signed and verified by qualified
6 electors in number equal to twenty-five per cent of the above
7 mentioned vote, then such proposed ordinance must be sub-
8 mitted to the electors of the city at the next general municipal
9 election occurring subsequent to sixty days after its presenta-
10 tion.

SEC. 225. *Examination and amendment.* All provisions
2 of article VI of this charter, relating to the examination and
3 amendment of petitions, shall be applicable to petitions under
4 this article.

SEC. 226. *Life of petition.* All petitions under this article
2 shall be filed with the city clerk within sixty days after the
3 date of the first signature thereto. If any ordinance proposed
4 by petition, or upon which a referendum vote is requested by
5 petition, be not submitted to the voters at or within the time
6 specified in this charter, such petition shall remain in force
7 until said ordinance shall be submitted to the voters.

SEC. 227. *Several ordinances at one election.* Any number
2 of proposed ordinances under the initiative or the referendum,
3 may be voted upon at one election.

SEC. 228. *Limit to special election.* There shall not be
2 held under the provisions of this article, more than one special
3 election in any period of six months.

SEC. 229. *Ballots.* The ballots used when voting upon
2 ordinances proposed under the initiative or under the referen-
3 dum, shall set forth the title of the proposed ordinance, and
4 shall state its general nature, and shall contain the words "For
5 the Ordinance", and "Against the Ordinance." If a major-
6 ity of the votes cast on any ordinance initiated as herein pro-
7 vided, by the electorate of the city, shall be in favor of said
8 ordinance, it shall, if not already in effect, go into effect as a
9 valid and binding ordinance of the city, ten days after the
10 official count shall have been determined; otherwise such ordi-
11 nance shall be rejected.

SEC. 230. *Repeal or amendment: Initiative and referen-*
2 *dum.* No ordinance that has been or that may hereafter be
3 adopted by a vote of the electors, shall be amended or repealed
4 except by a vote of the electors.

ARTICLE XXIII.

THE REFERENDUM.

SEC. 231. *Referendum by council.* The council may submit to a vote of the electors of the city any ordinance that it or the electorate has authority to adopt.

SEC. 232. *Referendum by electors.* No ordinance authorizing any contract (except contracts for less than one thousand dollars and contracts for improvements the cost of which is defrayed by special local assessments,) and no ordinance granting any franchise, shall go into effect in less than thirty days after its final passage. At the end of said thirty days, such ordinance shall be in force and effect, unless within such period there shall be filed with the city clerk a petition signed by qualified electors equal in number to ten per cent of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election, praying that such ordinance be submitted to a vote of the electors. In case such petition be filed, such ordinance shall not go into effect until approved by a majority of the electors voting thereon at such election.

SEC. 233. *Petition, ballot, and election.* All matters relating to the form of the petition, examination, and amendment thereof, form of the ballot, and manner of conducting the election under this article, shall conform substantially to the requirements set forth in articles VI and XXII of this charter.

SEC. 234. *Action on petition.* If, within thirty days, a petition signed and verified as in this charter provided, by electors of the city in number equal to ten per cent of the vote cast for all candidates for the office of mayor at the last preceding general municipal election, be filed with the city clerk, asking that any ordinance authorizing any contract (except contracts for less than one thousand dollars and contracts for improvements the cost of which is defrayed by special local assessment,) any ordinance granting any franchise or privilege, or any penal ordinance adopted by the council, be submitted

11 to the electorate, then such ordinance must either be repealed
12 or submitted to the electorate for approval or rejection at the
13 next general municipal election occurring subsequent to sixty
14 days after the presentation of said petition as herein provided,
15 or at a special election called prior to such general municipal
16 election; and no ordinance once so submitted shall, within one
17 year, be again submitted, except by a four-fifths vote of the
18 council or upon a petition in regular form signed and verified,
19 as required, by forty per cent of said vote.

SEC. 235. *Majority vote.* If a majority of the votes cast
2 on any ordinance referred to the electorate shall be in favor
3 of said ordinance, it shall, if not already in effect, go into effect
4 as a valid ordinance of the city, ten days after the official can-
5 vass, otherwise such ordinance shall be repealed or rejected,
6 and such repeal shall take effect ten days after the official
7 canvass.

SEC. 236. *License ordinances.* All ordinances providing
2 for the suppression, prohibition, or licensing, either for regu-
3 lation, revenue, or otherwise, of any saloon, hotel, restaurant,
4 casino, recreation ground, or other places where wines, liquors,
5 or any fermented, distilled, or other liquor or beverage con-
6 taining alcohol, is sold, given away, consumed, or disposed of,
7 or for the repeal or amendment of any such ordinance, any-
8 thing in this charter to the contrary notwithstanding, shall,
9 before the same shall have any force or effect, be voted upon
10 and approved by the vote of a majority of the electors of said
11 city voting at a general or special municipal election as pro-
12 vided in this article or article XXII. The provisions of this
13 section shall apply to the repeal or amendment of all ordi-
14 nances now in effect or that may hereafter be enacted.

ARTICLE XXIV.

MISCELLANEOUS PROVISIONS.

SEC. 237. *Meaning of terms.* The word "city" in this
2 charter, means the city of Santa Cruz. A department, board,
3 or officer in this charter mentioned, means a department,, board,
4 or officer of the city.

SEC. 238. *Surrender of books and records.* All officers, boards, commissioners, and departments of the city shall, upon vacating office, turn over to their successors, all books, papers, documents, records, archives, and other property which may be in their possession or under their charge.

SEC. 239. *Books and records open to inspection.* All books and records of the various offices and departments of the city, except those of the police department and the city attorney, shall, during business hours, be open to the inspection of any citizen or taxpayer, who may make copies of any portion thereof. Such copies shall be certified by the officer in charge of the records on payment of a fee of twenty-five cents for each ten folios or fraction thereof.

SEC. 240. *Officers not to act as agent or attorney.* Neither the mayor, commissioners, nor city attorney, shall, in any matter in which the city is interested, act as the agent, attorney, or legal advisor of, or be employed in any capacity by, or in any manner represent or be interested, either directly or indirectly, in any public service corporation carrying on or doing business within the city of Santa Cruz, nor shall they, or any of them, in any matter in which the city is an interested party, have as a client any person, firm, or corporation engaged in any business over which the council exercises police powers. A failure on the part of any of them to comply with the provisions of this section, shall be sufficient cause for removal from office.

SEC. 241. *Recourse for damages.* No recourse shall be had against the city for any damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, lane, avenue, alley, court, or place, by reason of any defective drainage, whether any of said defects originally existed or whether they were occasioned by construction, excavation, or embankment; nor shall there be any recourse against the city for want of repair of any sidewalk, street, avenue, lane, alley, court, or place, or for want of repair of any sewer; nor shall there be any recourse against

11 the city for damage to person or property suffered or sustained
12 by reason of accident on any sidewalk, street, avenue, lane,
13 alley, court, or place, or by falling from any embankment
14 thereon or into any excavation therein; but in such case the
15 person, officer, or officers through whose negligence such defect
16 exists, or remains unrepaired, shall be jointly and severally
17 liable to the party injured, for damages sustained.

SEC. 242. *Officers to continue in office.* The officers of the
2 city in office at the time of the approval of this charter by the
3 legislature, shall continue to hold office and discharge their
4 duties until twelve o'clock noon on the first Monday in July,
5 1911, and until their successors are elected or appointed, and
6 qualified; provided, that the members of the board of educa-
7 tion shall hold their offices and discharge their duties only
8 until twelve o'clock noon on the fourth Monday in May, 1911,
9 and until their successors are elected, or appointed, and
10 qualified.

SEC. 243. *Ordinances continued in force.* All ordinances
2 and resolutions of the city and all rules and regulations pre-
3 scribed for the government, control, and discipline of any of
4 its departments, officers, or employees, which are, at the time
5 of taking effect of this charter, and which are not inconsistent
6 therewith, shall continue in force and effect until altered,
7 amended, or repealed, in accordance with the provisions of
8 this charter.

SEC. 244. *Rights, actions, contracts.* All rights, actions,
2 proceedings, prosecutions, and contracts of the city, or any of
3 its departments or officers, pending or unexecuted when this
4 charter goes into effect, and not inconsistent therewith, shall
5 be enforced, continued, or completed, in all respects as though
6 begun or executed hereunder.

SEC. 245. *Time charter shall go into effect.* This charter
2 shall go into effect for all election purposes on the day of its
3 adoption and ratification by the legislature, and for all other
4 purposes, except as otherwise provided, on the first Monday in
5 July, 1911, at twelve o'clock noon.

SEC. 246. *General provision.* In all matters pertaining to
2 municipal affairs, concerning which no special provision is
3 made in this charter, the general law shall be a part of this
4 charter as far as the same may be applicable.

SEC. 247. *First election.* The mayor and city council of
2 the city, in office at the time this charter is approved and rati-
3 fied by the legislature, shall provide for the holding of the
4 first election of officers hereunder, shall canvass the returns,
5 and declare the result of said election.

ARTICLE XXV.

AMENDMENTS.

SEC. 248. *Amendment.* The amendment of freeholders'
2 charters provided for in the constitution of the State of Cali-
3 fornia, may be submitted by the council, but must be sub-
4 mitted by the council, in the manner provided in the constitu-
5 tion, whenever a petition is presented to such council as pro-
6 vided in article XXII of this charter.

SEC. 249. *Election on amendments.* The council must
2 make all necessary provisions for submitting proposed amend-
3 ments to the electors; and shall canvass the returns of such
4 election in the same manner as in other elections.

SEC. 250. *Ballots.* The ballots used at such elections shall
2 contain the words "For the Amendment," (stating the nature
3 of the proposed amendment,) and "Against the Amendment,"
4 (stating the nature of the proposed amendment).

CERTIFICATE.

WHEREAS, The city of Santa Cruz is a city containing a
2 population of more than ten thousand inhabitants; did, on
3 November 3, 1910, have a special municipal election; and,
4 under and in accordance with the provisions of article XI,
5 section 8, of the constitution of the State of California, did
6 elect F. D. Baldwin, Chas. M. Cassin, David C. Clark, L. J.
7 Dake, C. D. Hinkle, William T. Jeter, Samuel Leask, John B.
8 Maher, Duncan McPherson, W. P. Netherton, S. A. Palmer,
9 J. A. Pilkington, W. R. Springer, Henry Willey, and Charles

10 B. Younger, a board of fifteen freeholders, to prepare and
11 propose a charter for said city;

12 BE IT KNOWN, That, in pursuance of said provision of the
13 constitution, said board of freeholders has prepared and does
14 propose the foregoing as and for the charter of the city of
15 Santa Cruz, and that, in submitting and proposing such
16 charter, the board of freeholders, pursuant to said provision
17 of the constitution, also presents therewith, for the choice of
18 the voters, and to be voted on separately, without prejudice
19 to the other provisions contained in the charter, an alternative
20 proposition hereinafter stated; that said alternative proposi-
21 tion shall, if approved by a vote of the qualified electors, take
22 the place of section 16 of said charter entitled "Levy and
23 Collect Taxes"; that said alternative proposition shall be sub-
24 mitted to the voters for their approval or rejection at the
25 same election at which the charter shall be submitted, and
26 upon the ballots shall be printed, "Shall the alternative propo-
27 sition providing for an additional tax levy for entertainment
28 and publicity fund, take the place of section 16?"

29 Said alternative proposition is as follows:

30 ALTERNATIVE PROPOSITION.

31 "Section 16. *Levy and collect taxes.* To levy and collect
32 taxes upon all property subject to taxation, for municipal pur-
33 poses; provided, that the tax levied for any one year for all
34 municipal purposes other than for the payment of the princi-
35 pal and interest on any bonds of the city or for school, library,
36 and entertainment purposes, shall not exceed one dollar on
37 each one hundred dollars of the assessed valuation of the
37a taxable property in the city, except as hereinafter provided;
38 and provided further, that at the time the rate of city taxes is
39 fixed, the council may levy, in addition to the taxes herein pro-
40 vided, a tax upon all taxable property in the city of not more
41 than five cents on each one hundred dollars of the assessed
42 value of said property, for a fund to be known as the enter-
43 tainment and publicity fund, and such money so collected
44 shall be used for the purpose of public entertainment and cele-
45 bration and for advertising the city; and to levy and collect

46 assessments upon property to pay for grading, regrading,
47 laying out, opening, widening, narrowing, extending and im-
48 proving streets, alleys, sidewalks, crossings, and other high-
49 ways, public squares, parks, and places, the construction of
50 sewers, the laying of water, gas, and other pipes and conduits.”

51 IN WITNESS WHEREOF, We have hereunto signed the same,
52 in duplicate, at the city of Santa Cruz, county of Santa Cruz,
53 in State of California, this seventeenth day of December, in
54 the year of our Lord, one thousand nine hundred and ten.

55 SAMUEL LEASK, President.

56 DAVID C. CLARK, Secretary.

57 F. D. BALDWIN

58 CHAS. M. CASSIN

59 L. J. DAKE

59a C. D. HINKLE

60 WILLIAM T. JETER

61 JOHN B. MAHER

62 DUNCAN McPHERSON

63 W. P. NETHERTON

64 S. A. PALMER

65 J. A. PILKINGTON

66 W. R. SPRINGER

67 HENRY WILLEY

68 CHARLES B. YOUNGER.

OFFICE OF THE MAYOR OF THE CITY OF SANTA CRUZ.

2 CITY OF SANTA CRUZ,

3 COUNTY OF SANTA CRUZ,

4 STATE OF CALIFORNIA.

} ss.

5 I, T. W. Drullard mayor of the city of Santa Cruz, State
6 of California, do hereby certify that the board of freeholders,
7 whose names appear signed to the foregoing proposed charter,
8 were on the 3rd day of November, A. D. 1910, at a special
9 municipal election held in said city of Santa Cruz on said
10 day, duly elected by the qualified electors of said city, to pre-
11 pare and propose a charter for said city; that each of said
12 freeholders had been a qualified elector and freeholder in said
13-14 city for more than five years previous to said election, that

15 the foregoing is a true copy of said charter prepared and
16 returned to me, as mayor of said city, within ninety days
17 after said election as required by section 8 of article XI of
18 the constitution of this state; that such proposed charter was
19 then published in the Santa Cruz Surf and in the Santa Cruz
20 Morning Sentinel, which then were daily newspapers of gen-
21 eral circulation, printed, published and circulated in said
22 city of Santa Cruz, and that such publication was made for
23 more than twenty days, and that the first publication of said
24 proposed charter was made within twenty days after the com-
25 pletion of said charter; that within not less than thirty days
26 after the publication of said charter, as required by said sec-
27 tion 8 to-wit: on the 31st day of January, 1911, said charter
28 was submitted to the qualified electors of said city;

29 That a special election duly held therein for the purpose of
30 ratifying or rejecting said proposed charter, and for adopting
31 or rejecting said alternative proposition presented with said
32 charter for the choice of the voters and to be voted on sep-
33 arately;

34 That said proposed charter, as a whole, was duly ratified at
35 said election by a majority of the votes of the qualified electors
36 of said city of Santa Cruz voting at said special election and
37 that the alternative proposition was rejected;

38 That all of said elections and publications and acts, matters
39 and things in connection with and relating to said proposed
40 charter and alternative proposition were held, made and
41 occurred, pursuant to orders, resolutions, and publications of
42 the city council of the said city of Santa Cruz, in compliance
43 with section 8, article XI, of the constitution of the State of
44 California;

45 And that the returns of said election were duly canvassed
46 by the city council of the city of Santa Cruz on the first day
47 of February, 1911, and the results declared as above set forth;

48 That in all matters and things pertaining to said proposed
49 charter, the provisions of said section of the constitution and
50 the law of the State of California pertaining to the adoption
51 of the charter have been fully complied with in every par-
52 ticular.

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